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NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
28 th Judicial Circuit Public Defender Corp. <i>Board of Directors Meeting</i>	11/19/2010	The purpose of this meeting is for conducting general business.	December 14, 2010 5:30 PM Private Dining Room Cultered Catering 800 Main Street Summersville, WV 26651
Affordable Housing Trust Fund, WV <i>RFP Task Force</i>	11/29/2010	Call to order; review draft rfp application and scoring criteria; consider and make receommendation to the board; other new business;	December 13, 2010 1:00 PM First Floor Conference Room 814 Virginia Street East Charleston, WV
Agriculture, W.V. Dept. of <i>Aquaculture Advisory Board Meeting</i>	11/30/2010	Discuss minutes and hear follow-up reports.	December 8, 2010 1:00 PM West Virginia Department of Agriculture J.T. Johnson Conference Room Building 2 217 Gus R. Douglass Lane Charleston, WV 25312
Banking, WV Div. of <i>WV Board of Banking & Financial Institutions</i>	11/10/2010	To Consider the application by Boone County Bank, Madison, West Virginia to merge, as the surviving corporation, with the following wholly owned subsidiaries of Premier Financial Bancorp, Inc.: First Central Bank, Inc., Philippi, West Virginia; Traders Bank, Inc., Ravenswood, West Virginia; Consolidated Bank and Trust Company, Richmond, Virginia; and The Adams National Bank, Washington, D.C.	December 13, 2010 10:00 AM WV Division of Banking Conference Room One Players Club Drive Suite 300 Charleston, WV 25311
Banking, WV Divison of <i>WV Board of Banking & Financial Institutions</i>	11/24/2010	To consider an application for Corporate Reorganization by Boone County Bank, Madison, West Virginia to merge, as the surviving corporation, with the following wholly owned subsidiaries of Premier Financial Bancorp, Inc.: First Central Bank, Inc., Philippi, West Virginia; Traders Bank, Inc., Ravenswood, West Virginia; Consolidated Bank and Trust Company, Richmond, Virginia; and The Adams National Bank, Washington, D.C. The surviving bank will be headquartered in Huntington, West Virginia, and will operate under the name Premier Bank, Inc.	December 13, 2010 10:00 AM WV Division of Banking Conference Room One Players Club Drive, Suite 300 Charleston, WV 25311
Bluefield State College Board of Governors	10/15/2010	Regular meeting of the BSC Board of Governors. General business of the Board will be considered at this time.	December 9, 2010 6:45 PM Private Dining Room Harris-Jefferson Student Center Bluefield State College
Broadband Deployment Council	5/24/2010	Regular Monthly Meeting	December 15, 2010 9:00 AM Building 6, Room 6A
Charleston Area Alliance <i>Board of Directors</i>	5/18/2010	Regular Board Meeting	December 14, 2010 12:00 PM 1116 Smith St. Charleston, WV 25301

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location

City Hospital, Inc. <i>Medical Staff Executive Committee</i>	11/2/2010	To Conduct Business	December 10, 2010 12:00 PM 8th Floor Boardroom
Commerce <i>Mine Safety Technology Task Force</i>	10/26/2010	Regular meeting	December 8, 2010 9:00 AM 1615 Washington Street E Charleston, WV
Commerce <i>Diesel Equipment Commission</i>	11/29/2010	Monthly meeting; will review previously submitted diesel packets.	December 13, 2010 1:00 PM 1615 Washington Street, E. Charleston, WV
Commerce <i>Training Board</i>	*11/24/2010	Monthly meeting	December 6, 2010 10:00 AM Charleston OMHST
Commerce <i>Coal Mine Health and Safety Board</i>	11/19/2010	Regular monthly meeting	December 15, 2010 10:00 AM 1615 Washington St.,E. Charleston, WV
Commerce <i>Coal Mine Health and Safety Board</i>	11/19/2010	Regular monthly meeting; will also meet 12/15/10	December 14, 2010 9:00 AM 1615 Washington St.,E. Charleston, WV
Commerce <i>Mine Safety and Technology Task Force</i>	10/26/2010	Regular meeting	December 9, 2010 10:00 AM 1615 Washington Street E Charleston WV
Community & Technical College Education, WV Council for	11/8/2010	Regular Business Meeting of the Council	December 9, 2010 9:00 AM Town Center Marriott Charleston, WV
Concord University <i>Board of Governors Finance and Facilities Committee</i>	11/22/2010	Prepare for the full Board of Governors meeting	December 13, 2010 10:00 AM Teleconference Marsh Hall, Room 201A Concord University Athens, WV

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MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Concord University <i>Academic Affairs Committee of the Board of Governors</i>	12/1/2010	Prepare for December 14, 2010 meeting of the Board of Governors	December 13, 2010 11:30 AM Teleconference The Concord Room - Marsh Hall 201A Concord University Athens, WV
Concord University <i>Board of Governors</i>	11/22/2010	Regularly scheduled meeting of the Board of Governors - Committee Reports	December 14, 2010 1:30 PM The Concord Room - 201A Marsh Hall Concord University Athens, WV 24712
Concord University <i>Board of Governors Student Affairs Committee</i>	11/22/2010	Prepare for meeting of the full Board	December 13, 2010 9:00 AM Teleconference The Concord Room, Marsha Hall 201A Concord University Athens, WV
Concord University <i>Board of Governors</i>	11/23/2010	Meeting with University Students	December 14, 2010 10:15 AM The Concord Room - 201A Concord University Athens, WV 24712
Concord University <i>Board of Governors</i>	11/23/2010	Annual meeting with University Classified Staff	December 14, 2010 11:30 AM The Concord Room - Marsh Hall 201A Concord University Athens, WV
Concord University <i>Board of Governors</i>	11/23/2010	Annual meeting with Concord University Faculty	December 14, 2010 9:00 AM The Concord Room - Marsh Hall 201A Concord University Athens, WV
Consolidated Public Retirement Board <i>Internal Audit Committee</i>	12/29/2009	To conduct regular business	December 14, 2010 1:00 PM 4101 MacCorkle Avenue, SE Charleston, West Virginia 25304
Consolidated Public Retirement Board <i>Disability Review Committee</i>	8/26/2010	To conduct regular business	December 14, 2010 2:00 PM 4101 MacCorkle Avenue, SE Charleston, West Virginia 25304

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Consolidated Public Retirement Board <i>Accounting and Investment Committee</i>	11/19/2010	To conduct regular business and evaluate Annual Plan Review for TDC.	December 15, 2010 9:00 AM 4101 MacCorkle Avenue, SE Charleston, WV 25304
Consolidated Public Retirement Board <i>Board of Trustees</i>	12/29/2009	To conduct regular business; Agenda available for said meeting at agency.	December 15, 2010 10:00 AM 4101 MacCorkle Avenue, SE Charleston, West Virginia 25304
Counseling, WV Board of Examiners	11/9/2010	To carry out business related to the licensure of professional counselors.	December 14, 2010 11:00 AM Teleconference 1-800-704-9804 815 Quarrier St. Suite 212 Charleston, WV 25301
Courthouse Facilities Improvement Authority, WV <i>Board of Directors</i>	11/15/2010	To conduct regular business, to vote on grant awards and to vote on grant time extensions	December 14, 2010 11:00 AM 2003 Quarrier St. Charleston, WV 25311
Criminal Justice Services, Division of <i>Law Enforcement Training (LET) Subcommittee</i>	12/21/2009	To address matters pertaining to the training and certification of law enforcement officers in West Virginia.	December 9, 2010 9:00 AM Executive Conference Room West Virginia State Police Academy Dunbar
DEP <i>Environmental Protection Advisory Council</i>	11/12/2010	Regular quarterly meeting of the Environmental Protection Advisory Council.	December 9, 2010 1:30 PM Department of Environmental Protection West Virginia Room 601 57th Street, SE Charleston, WV 25304
Education	11/18/2010	The West Virginia Board of Education will meet to conduct routine business. The agenda for this meeting will be posted at http://wvde.state.wv.us at least three business days prior to the meeting. NOTICE: If the agenda for this meeting is not completed on December 8, 2010, the agenda will resume on December 9, 2010.	December 8, 2010 9:00 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education	11/18/2010	The West Virginia Board of Education will meet to conduct routine business remaining from the December 8, 2010, agenda. This meeting will be cancelled if the agenda is completed on December 8, 2010. The December 8, 2010, agenda will be posted at http://wvde.state.wv.us at least three business days prior to the meeting.	December 9, 2010 9:00 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia

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MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Emergency Medical Services, WVOEMS <i>EMS Advisory Council</i>	11/29/2010	Regularly scheduled meeting of the statutory EMS Advisory Council.	December 14, 2010 10:00 AM MCC in Flatwoods 89 Richard D. Minnich Drive Sutton, WV 26601
Employee Suggestion Award Board	11/15/2010	Regular monthly meeting. Agenda will be posted online at: http://www.legis.state.wv.us/committees/interims/agenda.cfm?recordid=1255&abb=empsug	December 14, 2010 10:00 AM Building 1, Room W-330 State Capitol Complex Charleston, WV 25305
EMSOR Board of Directors Meeting	12/1/2010	Quarterly Meeting	December 15, 2010 01:00 PM Healthnet 2 Hanger at Yeager Airport Charleston WV
Governor's Office <i>Judicial Vacancy Advisory Commission</i>	12/1/2010	Organizational meeting by teleconference to: (1) Establish deadlines for the application and interview process for the circuit court vacancy in the Sixteenth Judicial Circuit and to otherwise adopt procedures and requirements related to said vacancy; (2) Consider and adopt written policies of the Commission that formalize and standardize all operating procedures and ethical practices as contemplated by W. Va. Code 3-10-3a(f); and (3) Discuss all new and/or upcoming judicial vacancies and establish deadlines for the application and interview process for such vacancies and to otherwise adopt procedures and requirements related to such vacancies.	December 8, 2010 10:00 AM State Capitol, Building 1, Room M-146 Conf. Room of Office of General Counsel and Policy and Legislative Director Office of the Governor Charleston, West Virginia
Health Care Authority, WV <i>WV HCA Board Meeting</i>	12/1/2010	1) Grants 2) Routine Business	December 15, 2010 11:00 AM HCA Large Conference Room
Higher Education Policy Commission, WV <i>Subcommittee of Higher Education Student Financial Aid Advisory Board</i>	11/23/2010	To review structure of state-level student financial aid programs.	December 8, 2010 1:30 PM 1018 Kanawha Boulevard, East Boulevard Tower, 9th Floor Conference Room Charleston, WV
Higher Education Policy Commission, WV <i>Higher Education Student Financial Aid Advisory Board</i>	11/23/2010	To conduct regular business.	December 9, 2010 9:30 AM 1018 Kanawha Boulevard, East Boulevard Tower, 9th Floor Conference Room Charleston, WV

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location

Housing Development Fund, West Virginia <i>Audit Committee</i>	11/18/2010	Minutes of the September 27, 2010 Meeting; Presentation of the Federal Audit for the Period Ended June 30, 2010; Consideration of Changes to the Housing Development Fund's Investment Policies; and Other urgent business.	December 14, 2010 8:00 AM West Virginia Housing Development Fund 814 Virginia Street, East Charleston, WV 25301
Housing Development Fund, WV	11/18/2010	Minutes of the September 28, 2010 Meeting; Consideration of the Financials for the Period Ended October 31, 2010; Report of the Audit Committee; Consideration of Changes to the Housing Development Fund's Investment Policies; Consideration of the Federal Audit for the Period Ended June 30, 2010; Consideration of Appraisal for Housing Development Fund's current building and Marketing Considerations; Consideration of Conduit Bond Refinancing; Strategic Planning for 2011; and, Other urgent business.	December 14, 2010 9:00 AM West Virginia Housing Development Fund 814 Virginia Street, East Charleston, WV 25301
Infrastructure & Jobs Development Council <i>COUNCIL MEETING</i>	11/15/2010	Conduct General Council Business	December 8, 2010 9:30 AM Northgate Business Park Water Development Authority 180 Association Drive Charleston, WV 25311
Insurance Commissioner, WV Offices of the <i>Health Insurance Exchange Stakeholder Meeting</i>	11/23/2010	West Virginia Insurance Commissioner, Jane L. Cline, announces that the West Virginia Offices of the Insurance Commissioner (WVOIC) will have the fourth information and stakeholder engagement campaign on the Health Insurance Exchange in Beckley, December 14, 2010, at the Beckley-Raleigh County Convention Center, Conference Room A. Commissioner Cline, stated, "I believe that providing information and listening directly to stakeholders, as part of the design and development phase, is paramount for success of the Exchange; therefore, we are undertaking this project that will provide information to, and gather input from, stakeholders around the state." These forums will educate the public about what is in the Affordable Care Act (ACA) concerning the Exchange; educate the public about what the West Virginia Offices of the Insurance Commissioner has accomplished to date with respect to exchange planning; outline critical areas where stakeholder input is needed; receive stakeholder input and gather public ideas on the Exchange; and develop community of interest policy groups to further develop exchange plans. The WVOIC team encourages participation from as many people as possible and multiple methods of collecting input will be provided.	December 14, 2010 6:00 PM Beckley-Raleigh County Convention Center, Conference Room A Beckley, WV 25801
Investment Management Board, WV <i>Hedge Fund Subcommittee</i>	12/1/2010	AGENDA: Approval of minutes; Portfolio and market review; Discussion of material non-public information investigation; Back office due diligence; Investment due diligence; Unfinished business; New business; Adjournment.	December 8, 2010 4:00 PM 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Investment Management Board, WV <i>Audit Committee</i>	12/1/2010	AGENDA: Approval of minutes; Review and reapprove Audit Committee and Internal Audit Charters; Internal Audit report; Internal Audit personnel review; Unfinished business; New business; Adjournment.	December 8, 2010 2:00 AM 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Investment Management Board, WV <i>Board of Trustees</i>	12/1/2010	AGENDA: Approval of minutes; Executive Director's report; Committee reports; Hedge Fund consultant report; Unfinished business; New business; Adjournment.	December 9, 2010 10:30 AM Summit Conference Center 129 Summers Street Charleston, WV 25301

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MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Investment Management Board, WV <i>Organizational Governance Committee</i>	12/1/2010	AGENDA: Approval of minutes; Discuss matters from educational session held on Nov. 3, 2010; Unfinished business; New business; Adjournment.	December 8, 2010 3:00 PM 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Investment Management Board, WV <i>Personnel Committee</i>	12/1/2010	AGENDA: Approval of minutes; Executive compensation; Unfinished business; New business; adjournment.	December 8, 2010 11:45 AM 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Investment Management Board, WV <i>Investment Committee</i>	12/1/2010	AGENDA: Approval of minutes; Discussion of asset/liability study; Discussion of Municipal Plans' Election to invest with WVIMB; Discussion of other potential new participants; Review of Allocation Committee change; Discussion of material non-public information investigation; Performance review; Due diligence summaries; unfinished business; new business; adjournment.	December 9, 2010 8:30 AM Summit Conference Center 129 Summers Street Charleston, WV 25301
Jobs Investment Trust Board	10/22/2010	To act upon any and all business which might properly come before a regular board meeting of the Board of Directors of the WV Jobs Investment Trust.	December 8, 2010 2:00 PM 1012 Kanawha Boulevard, East Fifth Floor Charleston, WV 25301
King Coal Highway I-73/74 Authority	11/22/2010	Regular Meeting	December 15, 2010 12:00 PM Sterling Drive Inn Welch, WV
Lottery <i>Commission meeting</i>	12/1/2010	Monthly business meeting	December 14, 2010 10:00 AM Lottery Headquarters - 312 MacCorkle Avenue Charleston, WV
Lottery	12/1/2010	Approval of video games of licensed or permitted video lottery terminal manufacturers Set agenda for the December 2010 monthly business meeting	December 10, 2010 12:00 PM Conference call at Lottery Headquarters 312 MacCorkle Avenue Charleston, WV
Lottery <i>Finance/Audit & Games/Rules/Security/Marketing Committees</i>	12/1/2010	Monthly committee meetings	December 14, 2010 9:00 AM Lottery Headquarters - 312 MacCorkle Avenue, Charleston, WV
Marshall University <i>Board of Governors</i>	11/22/2010	Board Meeting; the agenda will be available three business days before the meeting.	December 9, 2010 11:00 AM Marshall University Memorial Student Center Shawkey Dining Room. Meeting will begin at 11:00 a.m. or immediately following the Committee Meetings

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location

Marshall University <i>Committees of the Marshall University Board of Governors</i>	11/22/2010	committee meetings of the Board before the full Board Meeting. Agenda will be available 3 days before the meeting.	December 9, 2010 9:00 AM Memorial Student Center Campus of Marshall University
Mid Ohio Valley Emergency Medical Service	11/24/2010	Board Meeting	December 8, 2010 6:00 PM WV EMS TSN, Mineral Wells Field Office 58 Fox Run Drive, Suite 3 Mineral Wells, WV 26150
Municipal Pensions Oversight Board <i>Board of Trustees</i>	11/24/2010	Emergency Meeting - AGENDA: Call to order; Approval of minutes; Discussion and review of final applicants for executive director position at MPOB; Selection of executive director; Discussion of partial draw down of funds to begin investing and earning interest; Discussion and recommendation of recent temporary/permanent medical pension applications; Unfinished Business; New Business; Adjournment	December 6, 2010 10:00 AM 500 Virginia Street, East - Suite 200 Charleston, WV 25301
Natural Resources, Division of <i>Whitewater Commission</i>	11/15/2010	4th Quarter Whitewater Commission Meeting	December 14, 2010 1:00 PM 324 4th Avenue South Charleston, WV 25303
Nursing Home Administrators Licensing Board	11/15/2010	Regular Board Meeting	December 9, 2010 11:00 AM Blessed John XXIII Pastoral Center 100 Hodges Road Charleston, WV 25314
Physical Therapy, WV Board of	8/2/2010	Quarterly Board meeting	December 8, 2010 10:00 AM WV Board of Physical Therapy 101 Dee Drive Charleston, WV 25311
Physical Therapy, WV Board of <i>Sunset Committee</i>	11/29/2010	Emergency Meeting to discuss amendments to proposed rules.	December 5, 2010 2:00 PM Panera Bread 2830 Mountaineer Blvd South Charleston, WV 25309
Professional Development, WV Center for <i>Board of Directors</i>	10/20/2010	Quarterly Board Meeting - approval items, discussion items, informational items	December 14, 2010 10:00 AM WVCPD Professional Development Annex 209 Hale Street Charleston, WV 25301
Public Defender Corporation - 23rd Judicial Circuit	11/19/2010	Scheduled Board Meeting	December 14, 2010 12:00 PM Public Defender Corporation 313 Monroe Street Martinsburg, West Virginia 25404
Public Broadcasting, WV	11/24/2010	Friends of WV Public Broadcasting board meeting.	December 8, 2010 1:00 PM 600 Capitol Stree Charleston, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES

Open Governmental Proceedings Act §6-9A et seq.

Agency	Date Filed	Purpose	Meeting Date/Location
Public Defender Corp. for 6th and 24th Circuits <i>Board of Directors</i>	11/17/2010	Amendments to the FY 2011 Contract with WVPDS	December 9, 2010 5:00 PM Cabell County Public Defender Office 320 Ninth Street Huntington, WV 25701
Public Defender Corp., 2nd Judicial Circuit	11/29/2010	Quarterly Meeting: Agenda includes review of minutes of September 13, 2010, meeting; review of financial and caseload statistical reports; review/consideration of 2009-10 official audit report; review/consideration of new/replacement financial contract with Public Defender Services for 2010-11; and specific allocation of salary line item amounts.	December 13, 2010 5:30 PM Quinet's Court Restaurant 217 Main Street New Martinsville, WV, 26155
Public Defender Corporation 9th Judicial Circuit	11/8/2010	Board Meeting	December 15, 2010 12:00 PM Public Defender's Office Law Bldg - 3rd Floor conference room Princeton, West Virginia
Public Defender Corporation for the 13th Judicial Circuit	11/10/2010	General Business	December 10, 2010 3:00 PM 723 Kanawha Blvd., E., 11th Floor Charleston, WV 25301
Public Defender Corporation-7th Circuit <i>Board of Directors</i>	12/1/2010	1. Adopt minutes of previous meeting; 2. Review Audit; 3. Review current budget status; 4. Lease/move or stay; 5. ABA form adoption; 6. Personnel review forms; 7. Personnel matter	December 10, 2010 3:00 PM Public Defender Office 404 Main Street-Side Entrance Logan, WV 25601
Public Defender Services, WV <i>Indigent Defense Commission</i>	11/23/2010	To discuss indigent defense programs.	December 8, 2010 12:00 PM One Player's Club Drive Charleston, WV 25311
Public Employees Grievance Board	11/24/2010	To conduct routine business. The Agenda will be posted on the Board's web site, www.pegb.wv.gov , at least three days prior to the meeting.	December 8, 2010 3:00 PM 1596 Kanawha Boulevard East, Charleston. Exit 99 off I-64. Turn right at light. At second stop light/Kanawha Blvd, turn right. Office is the second house past Elizabeth Street. Parking is available on the Boulevard or behind the office.
Public Port Authority, WV DOT <i>WVPPA Board Meeting</i>	11/29/2010	To discuss port authority activities.	December 8, 2010 1:00 PM Building Five Room 122
Public Service Commission of WV <i>Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee</i>	11/30/2010	A regularly scheduled quarterly meeting is held as required by the West Virginia Code to discuss the weight and safety enforcement on Coal Resource Transportation System roads.	December 14, 2010 10:00 AM Public Service Commission Building 201 Brooks Street Hearing Room #2 Charleston, WV

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Public Works, WV Board of	11/19/2010	This meeting is being held pursuant to the provisions of 11-6-11 of the WV Code. The primary purpose of the meeting is to set final assessments for tax year 2011 for public utilities. The Board will discuss utility requests for relief from erroneous assessments pursuant to 11-6-12a of the WV Code. The Board may consider any other business that may be properly presented. A detailed agenda will be available in the Secretary of State's office prior to the meeting.	December 9, 2010 10:00 AM Governor's Cabinet and Conference Room Building 1, Suite 10 State Capitol Complex
Putnam County Solid Waste Authority	1/14/2010	regularly scheduled monthly Bd. meeting	December 13, 2010 4:00 PM tba
<i>Bd. of Director's Meeting</i>			
Real Estate Appraiser Board	3/17/2010	Regular Board Meeting	December 9, 2010 10:00 AM 2110 Kanawha Blvd. East Charleston, WV 25311
Real Estate Commission	11/17/2010	Regular Meeting	December 9, 2010 9:00 AM 300 Capitol Street Charleston, WV 25301
Records Management and Preservation Board	11/29/2010	Regular business meeting.	December 9, 2010 10:00 AM Glade Springs Resort 342 Barnstaple Dr Daniels, WV 25832 304-763-4042
Sanitarians, State Board of	11/23/2010	Update on Appointments/reappointments of Board Members by Governor - northern panhandle area & expired terms; review & action on complaints (Executive Session); SIT, S, & RS reviews & approvals; SIT waivers for those being a SIT more than 3 years; Report on CEH status & action on those requesting renewal of their registrations; status report of Rules developed to implement new law; report on information received at Auditor's Seminar; Minutes & Finance report of last meeting; correspondence.	December 10, 2010 10:00 AM Kanawha-Charleston Health Department 108 Lee Street, East Charleston, WV 25301
School Building Authority of WV	12/1/2010	I. CALL TO ORDER; II. ACKNOWLEDGMENTS AND RECOGNITION; III. APPROVAL OF MINUTES; SBA fall quarterly meeting of September 20, 2010; SBA special meeting of October 28, 2010; IV. EXECUTIVE DIRECTOR'S REPORTS; Dr. Mark A. Manchin will provide a brief overview regarding the following issues: 1. Introduce Mr. Ben Ashley, the SBA's newest employee; 2. Update regarding School Access Safety's tactical survey mapping; 3. Update regarding School Access Safety Fund distribution; 4. Review of Local Bond Passages; 5. Update on New Kanawha County Elementary - 21st Century School -; 6. Purchasing Card (P-Card) Program Report; V. FINANCE REPORTS; VI. CONSENT AGENDA; VII. NEW BUSINESS; A. Resolution of Redistribution of Funds Available due to Gilmer County's Failed Local Bond; B. Recapture of Excess Funds from Completed and Forfeited MIP Projects; C. Deliberation and Selection of MIP Projects and Related QZAB Funding Requests; D. 3% Statewide Project Review and Award; VIII. OLD BUSINESS; A. Architectural Services Staff Monthly Project Status; B. Revised List of Sub-Committee Members; IX. PERSONNEL ISSUES; The Authority reserves the right to enter into executive session, based upon WV Code §6-9A-4(2) (A) relating to matters of SBA personnel.	December 13, 2010 9:00 AM Governor's Press Conference Room State Capitol Complex 1900 Kanawha Boulevard, East Charleston

*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location

Southern West Virginia Community and Technical College <i>Board of Governors</i>	7/19/2010	Regular business meeting of the Southern West Virginia Community and Technical College Board of Governors. General business of the Board will be considered. The meeting agenda will be posted three days prior to the meeting at http://southernwv.edu	December 14, 2010 6:00 PM Southern WV Community and Technical College 2900 Dempsey Branch Road, Room 428C Mount Gay, West Virginia
Southern West Virginia Community and Technical College <i>Board of Governors</i>	11/30/2010	Emergency Meeting To review and approve the architectural design for the new Williamson Campus technology facility.	December 6, 2010 8:30 AM Southern WV Community and Technical College 2900 Dempsey Branch Road, Room 428-C Mount Gay, WV, and by teleconference.
Upshur County Solid Waste Authority	11/16/2010	Regular Monthly meeting	December 13, 2010 4:30 PM Mudlick Road Buckhannon WV
Water Development Authority <i>Board Meeting</i>	11/23/2010	Quarterly Board Meeting	December 14, 2010 10:00 AM 180 Association Drive Charleston, WV 25311
West Liberty University <i>Board of Governors</i>	11/30/2010	Approval of Minutes, Honorary Degree, Natural Resources Lease, Timber Lease, President's Report	December 8, 2010 5:00 PM R. Emmett Boyle Conference Center ASRC West Liberty University West Liberty, WV
West Liberty University <i>Finance Committee</i>	11/9/2010	Discuss West Liberty University finances.	December 8, 2010 04:00 PM West Liberty University Athletics Conference Room Academic Sports & Recreation Complex, 4th Floor West Liberty, WV 26074
West Virginia Northern Community College	11/22/2010	Informational Meeting	December 9, 2010 5:00 PM WVNCC Wheeling Campus B&O Board Room, Room 126A
West Virginia State University Board of Governors	12/1/2010	To consider a recommendation to award the Honorary Doctor of Laws Degree to West Virginia State University's mid-year commencement speaker.	December 9, 2010 10:00 AM Conference Call (113 Ferrell Hall will serve as the physical location)

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location

West Virginia University Board of Governors	11/30/2010	Regular Meeting. 1. Call to Order; 2. Standing Agenda Item: Approval of Research Trust Fund matching request(s) - if any; 3. Executive Session (Under authority in West Virginia Code Sec. 6-9A-4(b)(2)(A) and Sec. 6-9A-4(b)(7), (9), (10), and (12)) to discuss: a. Personnel issues b. Legal matters and c. Approval of Honorary Degree Candidates (if approved-this item will be moved to the Consent Agenda); 4. Discussion emanating from Executive Session; 5. Information Items (written only) a. FY2011 Quarterly Financial Report through September 30, 2010 and b. FY2011 Key Monthly and Financial Indicators and Major Capital Projects Status Report through October 31, 2010; 6. Consent Agenda (for Board Review and Action) a. Amendment of WVU's Strategic Research Plan and b. Approval of Honorary Degree Candidates (if moved to Consent Agenda); 7. Other Business and General Discussion; 8. Plans for February 4, 2011 Meeting; 9. Adjournment; Other items may become apparent or need attention and may be added to the business agenda of the meeting; attention is called to the fact that the agenda of the meeting will be available three days in advance by calling 304-293-2562 or at the website: http://bog.wvu.edu/ - items of interest may be added to the agenda up to 48 hours prior to the date of meeting.	December 10, 2010 10:00 AM By Telephone - 1-888-394-8197 (pass code 438926) (This call will originate in the WVU Stewart Hall President's Conference Room, Morgantown, WV)
West Virginia University Hospitals <i>Board of Directors</i>	11/3/2010	For discussion of business matters pertaining to West Virginia University Hospitals.	December 11, 2010 9:15 AM Waterfront Place Hotel Waterfront Room Morgantown, WV
West Virginia University Hospitals <i>Compliance & Audit</i>	11/3/2010	For discussion of compliance & audit safety matters pertaining to West Virginia University Hospitals.	December 11, 2010 8:00 AM Waterfront Place Hotel, Salon A Morgantown, WV
West Virginia University Hospitals <i>Quality & Patient Safety</i>	11/3/2010	For discussion of quality & patient safety matters pertaining to West Virginia University Hospitals.	December 10, 2010 8:30 AM Waterfront Place Hotel, Salon B Morgantown, WV
West Virginia University Hospitals <i>Strategic Planning</i>	11/3/2010	For discussion of strategic planning matters pertaining to West Virginia University Hospitals.	December 11, 2010 7:30 AM Waterfront Place Hotel, Salon B, Morgantown, WV
West Virginia University Hospitals <i>Finance & Planning</i>	11/3/2010	For discussion of finance matters pertaining to West Virginia University Hospitals.	December 10, 2010 8:30 AM Waterfront Place Hotel Waterfront Room Morgantown, WV
WV Center for Nursing <i>Statewide Educational Planning Committee</i>	10/12/2010	Quarterly Meeting.	December 9, 2010 1:00 PM 1018 Kanawha Blvd E President's Conference Room (9th Floor) Charleston, WV 25301
WV Center for Nursing <i>Operations Committee</i>	10/12/2010	Quarterly Meeting.	December 10, 2010 9:00 AM 1018 Kanawha Blvd E President's Conference Room (9th Floor) Charleston, WV 25301

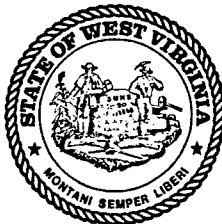
**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

MEETING NOTICES**Open Governmental Proceedings Act §6-9A et seq.**

Agency	Date Filed	Purpose	Meeting Date/Location
WVU Parkersburg <i>Board of Governors</i>	11/18/2010	Regular meeting of the Board of Governors. Agenda items include: Accepting the College Completion Challenge; Capital Campaign Feasibility Study; Report from Salary Policy Task Force; HLC Pilot Institution for New Pathways Project; State of the College Finances; and Policy A-06 Naming Opportunities. A complete agenda will be posted online at www.wvup.edu/Board_of_Governors prior to the meeting.	December 8, 2010 05:45 PM 300 Campus Drive Parkersburg, WV
WVU Parkersburg <i>Board of Governors Audit Committee</i>	11/18/2010	Review Audit Report	December 8, 2010 04:00 PM 300 Campus Drive Parkersburg, WV

**This meeting was filed late and does not comply with the Open Governmental Proceedings Act*

<u>PRICE LIST</u>		
<u>AGENCY</u>	<u>RULE/ORDER</u>	<u>AMOUNT</u>



Natalie E. Tennant

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

- Titles followed by an asterisk (**) indicate that the rule is in effect as an emergency
- Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
- If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
- Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERS COMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Adjutant General (141-49)	Military Justice \$12.10 Legislative Exempt							11/3/2010	11/3/2010
Administration (148-3)	State Owned Vehicles \$9.80 Legislative	6/25/2010	7/25/2010	6/25/2010 Effective 8/6/2010	7/26/2010				
Agriculture (61-2)	West Virginia Apiary Law of 1991 \$4.40 Legislative	6/1/2010	7/1/2010	6/1/2010 Approved 7/8/2010	7/26/2010	Modified & Approved 9/13/2010 Filed 9/21/2010			
Agriculture (61-6C)	General Groundwater Protection Rules for Fertilizers and Manures \$4.60 Legislative	6/1/2010	7/1/2010		7/12/2010	Approved 7/21/2010			
Agriculture (61-16)	Inspection of Meat and Poultry \$4.80 Legislative	6/14/2010	7/14/2010		7/20/2010	Approved 8/10/2010			
Air Quality (45-8)	Ambient Air Quality Standards \$16.90 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration \$14.30 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$13.70 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$18.60 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution Which Cause or Contribute to Nonattainment \$14.30 Legislative	6/9/2010	7/12/2010		7/28/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$14.40 Legislative	6/9/2010	7/12/2010		7/28/2010				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$21.70 Legislative	6/9/2010	7/12/2010		7/28/2010				
Alcohol Beverage Control Comm. (175-1)	Licensed Retailer Operations \$7.60 Legislative	9/14/2009	10/15/2009	8/31/2009 Approved 10/8/2009	11/20/2009				
Alcohol Beverage Control Comm. (175-5)	Licensing of Retail Outlets \$14.80 Legislative	9/14/2009 12/10/2009	10/15/2009 1/12/2010	8/31/2009 Approved 10/8/2009 Amendment 12/10/2009 Approved 12/14/2009	11/20/2009 2/22/2010				
Barbers & Cosmetologists (3-1)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians \$6.00 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-2)	Qualification Training, Examination of Licensure of Instructors \$4.00 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-4)	Operational Standards for Schools of Barbering and Beauty Culture \$3.80 Legislative	6/18/2010	7/22/2010		7/30/2010	Modified & Approved 10/11/2010 Filed 10/18/2010			
Barbers & Cosmetologists (3-6)	Schedule of Fees \$2.40 Legislative	5/10/2010	6/11/2010	4/27/2010 Withdrawn 5/10/2010 5/7/2010 Approved 5/14/2010	6/18/2010	Approved 10/11/2010 Filed 10/18/2010			
Coal Mine Health and Safety (36-44)	Mine Rescue Requirements for the Office of Miners' Health, Safety and Training \$3.00 Legislative	4/22/2010	5/28/2010					11/30/2010	12/30/2010

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-49)	Requirement to Keep a Barometer in the Mine Office; Requirement to Develop a Training Program for Use of Barometer by Mine Foreman to be Developed by Board of Miner Training and Certification; Record-keeping \$3.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-50)	Belt Conveyor; Installation; Maintenance; Examination of Belt Conveyors and Belt Entries, Automatic Fire Warning Devices \$5.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-51)	Accessible Outlets; Safe Roadways for Emergencies; Accessibility of First Aid Equipment, Use of Special Capsule for Removal of Personnel, Escape way Maps and Drills \$4.40 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-52)	Fire In and About Mine; Notification of Director and District Mine Inspector; Mine Emergency Evacuation Plan \$3.60 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-53)	Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment \$3.20 Legislative	4/22/2010	5/28/2010						
Coal Mine Health and Safety (36-54)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements \$4.00 Legislative	4/27/2010	5/28/2010						
Community & Technical College Ed. (135-21)	Freshman Assessment and Placement Standards \$4.20 Procedural	8/24/2010	9/24/2010					10/29/2010	11/29/2010
Community & Technical College Ed. (135-23)	Standards and Procedures for Undergraduate Admissions at Comm. & Tech. Colleges \$3.60 Procedural	10/29/2010	11/29/2010						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-1)	General Provisions \$4.60 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-3)	Teachers' Defined Contribution System \$5.00 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$5.80 Legislative	5/7/2010	6/7/2010	4/13/2010 Effective 5/25/2010	7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors \$5.40 Legislative	5/7/2010	6/7/2010		7/22/2010	Approved 8/10/2010			
Consolidated Public Retirement Board (162-9)	West Virginia State Police \$5.40 Legislative	5/7/2010	6/7/2010	4/13/2010 Effective 5/25/2010	7/22/2010	Approved 8/10/2010			
Crime, Delinquency and Correction (149-2)	Law Enforcement Training Standard \$8.20 Legislative	6/7/2010	7/15/2010		7/23/2010	Modified & Approved 10/11/2010 Filed 10/13/2010			
Crime, Delinquency and Correction (149-3)	Protocol for Law Enforcement Response to Domestic Violence \$12.10 Legislative	6/23/2010	7/24/2010		7/27/2010	Modified & Approved 11/16/2010			
Education (126-25A)	Standards for Basic and Specialized Health Care Procedures (2422.7) \$34.30 Legislative Exempt	5/13/2010	6/14/2010					8/12/2010	9/13/2010
Education (126-35)	Groupings for Adoption of Instructional Resources for Early Childhood Education, Middle Childhood Education and Adolescent Education (2445.40) \$5.00 Legislative	10/7/2010	11/8/2010						
Education (126-44O)	Early Learning Standards Framework-Content Standards and Learning Criteria for WV Pre-kindergarten (2520.15) \$7.20 Legislative	7/14/2010	8/13/2010					9/9/2010	10/12/2010

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-81)	Attendance (4110) \$5.60 Legislative	7/14/2010	8/13/2010					9/9/2010	10/12/2010
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) \$8.00 Procedural	6/10/2010	7/13/2010					8/12/2010	9/13/2010
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$17.10 Legislative	10/7/2010	11/8/2010						
Environmental Protection, Secretary's Office (60-2)	Freedom of Information Act Requests \$4.60 Procedural	6/14/2010	7/15/2010					7/30/2010	9/1/2010
Ethics Commission (158-20)	Forms \$3.00 Legislative	4/13/2010	5/14/2010		6/24/2010	Modified & Approved 8/10/2010 Filed 8/20/2010			
Explosives & Blasting (199-1)	WV Explosives & Blasting Rule \$13.30 Legislative	6/10/2010	7/13/2010		7/30/2010				
Health (64-1)	Rules of Procedure for Contested Case Hearings and Declaratory Rulings \$4.00 Procedural	6/24/2010	7/26/2010						
Health (64-3)	Public Water Systems \$5.20 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 11/16/2010			
Health (64-29)	Specialized Multipatient Medical Transport \$5.60 Legislative	6/29/2010	7/29/2010		7/30/2010				
Health (64-43)	Food Manufacturing Facilities \$5.00 Legislative	6/10/2010	7/12/2010		7/29/2010	Modified & Approved 11/16/2010			
Health (64-44)	Fire Department Rapid Response Services Licensure \$4.00 Legislative	6/29/2010	7/29/2010		7/30/2010				
Health (64-48)	Emergency Medical Services \$18.30 Legislative	6/29/2010	7/29/2010		7/30/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-68)	Cancer Registry \$4.20 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 10/11/2010			
Health (64-87)	Sex Offender Treatment Program Certification \$13.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Effective 8/11/2010	7/30/2010				
Health (64-97)	Maternal Risk Screening \$4.00 Legislative	6/23/2010	7/23/2010		7/29/2010	Modified & Approved 10/11/2010			
Health (64-98)	Safety and Treatment Program \$7.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Approved 8/11/2010	7/30/2010	Modified & Approved 11/16/2010			
Health (64-99)	Requirement for Licensure of Nonprofit Corporations for Conservation Service \$6.80 Legislative	6/30/2010	7/30/2010	6/30/2010 Approved 8/11/2010	7/30/2010	Modified & Approved 11/16/2010			
Health Care Authority (65-7)	Certificate of Need Rule \$11.80 Legislative	6/15/2010	7/16/2010		7/28/2010	Modified & Approved 11/16/2010			
Higher Education Policy Comm. (133-20)	Authorization of Degree Granting Institutions \$11.80 Legislative Exempt	10/6/2010	11/5/2010						
Highways (157-4)	Purchase and Disposal of Materials, Equipment and Supplies \$4.40 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 11/17/2010			
THE ABOVE RULE HAS BEEN WITHDRAWN 11/30/2010									
Highways (157-6)	Use of State Road Rights of Way and Adjacent Areas \$9.80 Legislative	6/7/2010	7/7/2010	6/7/2010 Approved 7/8/2010	7/16/2010	Modified & Approved 11/17/2010			
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.60 Legislative	6/15/2010	7/15/2010		7/16/2010				
Highways (157-10)	Community Empowerment Transportation Act Program \$4.60 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/17/2010			

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-6)	Credit Life Insurance, Credit Accident and Sickness Insurance, and Credit Unemployment Insurance \$5.40 Legislative	6/15/2010	7/15/2010		7/27/2010	Modified & Approved 9/13/2010 Filed 9/28/2010			
Insurance Commission (114-11B)	Suitability in Annuity Transactions \$7.40 Legislative	6/15/2010	7/15/2010		7/29/2010	Approved 9/13/2010			
Insurance Commission (114-25)	Insurance Adjusters \$6.40 Legislative	6/15/2010	7/15/2010	6/15/2010 Withdrawn 7/15/2010	7/27/2010	Modified & Approved 10/11/2010 Filed 10/20/2010			
Insurance Commission (114-32)	Long-Term Care Insurance \$15.40 Legislative	6/11/2010	7/12/2010		7/29/2010	Modified & Approved 9/13/2010 Filed 9/28/2010			
Insurance Commission (114-41)	Actuarial Opinion and Memorandum Rule \$7.20 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 9/13/2010			
Insurance Commission (114-41A)	Property and Casualty Actuarial Opinion \$3.00 Legislative	6/15/2010	7/15/2010	9/1/2010 Effective 10/13/2010	7/27/2010	Modified & Approved 11/16/2010 Filed 12/1/2010			
Insurance Commission (114-61)	Credit Personal Property \$6.00 Legislative	6/15/2010	7/15/2010		7/27/2010	Approved 9/13/2010			
Insurance Commission (114-65)	Self-Insurance Pools for Political Subdivisions \$5.20 Legislative	6/18/2010	7/18/2010		7/27/2010	Modified & Approved 11/16/2010 Filed 12/1/2010			
Insurance Commission (114-68)	Valuation of Life Insurance Companies \$7.80 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 10/11/2010			
Insurance Commission (114-69A)	Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities \$5.20 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 10/11/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-85)	Professional Employer Organizations \$5.60 Legislative	6/11/2010	7/12/2010	6/11/2010 Effective 7/23/2010	7/27/2010	Approved 10/11/2010			
Insurance Commission (114-91)	Health Maintenance Organization Point of Service Option \$6.60 Legislative	6/11/2010	7/12/2010		7/27/2010	Approved 11/16/2010			
Labor (42-21)	Elevator Safety Act \$4.20 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-21A)	Supervision of Elevator Mechanics and Apprentices \$4.00 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-24)	Crane Operator Certification Act \$4.80 Legislative	6/16/2010	7/16/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Labor (42-25)	Crane Operator Certification Act – Practical Examination \$3.00 Legislative	6/16/2010	7/16/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/23/2010			
Miners' Health, Safety and Training (56-3)	Rules and Regulations Governing the Safety of Those Employed in and Around Surface Mines in West Virginia \$26.40 Legislative	5/26/2010	6/30/2010		7/30/2010				
THE ABOVE RULE HAS BEEN WITHDRAWN 12/1/2010									
Mines Training Education & Certification (48-4)	Initial Training Program for Prospective Mine Rescue Team Members and Additional Mine Rescue Requirements \$3.60 Legislative Exempt							11/30/2010	12/30/2010
Mining & Reclamation (38-2)	West Virginia Surface Mining Reclamation Rule \$30.70 Legislative	12/16/2009 6/10/2010	1/18/2010 7/13/2010	12/16/2009 Approved 12/23/2009	2/1/2010 7/30/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-12)	Motor Vehicle Inspection Manual \$33.50 Legislative	6/18/2010	7/19/2010		7/26/2010	Approved 11/15/2010			
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	5/4/2010	6/6/2010	4/13/2010 Effective 5/27/2010	6/29/2010	Modified & Approved 7/21/2010 Filed 7/28/2010			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping \$4.00 Legislative	6/15/2010	7/16/2010		7/22/2010	Approved 8/10/2010			
Natural Resources (58-49)	General Hunting \$4.00 Legislative	6/15/2010	7/16/2010		7/22/2010	Approved 8/10/2010			
Optometry (14-1)	Rules of the WV Bd. of Optometry \$3.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-2)	Expanded Prescriptive Authority \$14.30 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-3)	Contested Case Hearing Procedure \$5.20 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-4)	Disciplinary and Complaint Procedures for Optometrists \$5.00 Legislative	6/25/2010	7/26/2010		7/30/2010				
Optometry (14-5)	Schedule of Fees \$2.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-6)	Examination and Scoring Policy \$2.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-7)	Administration and Board Meetings \$3.60 Procedural	6/25/2010	7/26/2010						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Optometry (14-8)	Licensure by Endorsement \$2.60 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-9)	Contact Lenses that Contain and Deliver Pharmaceutical Agents Certificate \$2.40 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-10)	Continuing Education \$2.80 Legislative	6/25/2010	7/26/2010		7/30/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Optometry (14-11)	Injectable Pharmaceutical Agents Certificate \$14.80 Legislative	6/24/2010	7/23/2010		7/30/2010				
Osteopathy (24-2)	Osteopathic Physician Assistants \$5.00 Legislative	6/14/2010	7/14/2010	6/14/2010 Approved 7/8/2010 Amendment 11/10/2010 Approved 11/17/2010	7/30/2010	Modified & Approved 11/16/2010 Filed 11/29/2010			
Osteopathy (24-5)	Fees for Services Rendered by the Bd. of Osteopathy \$2.60 Legislative	6/14/2010	7/14/2010		7/28/2010	Modified & Approved 11/16/2010 Filed 11/29/2010			
Parole Board (92-1)	Procedural Rules of the West Virginia Parole Board \$7.00 Procedural							9/16/2010	1/1/2011
Pharmacy (15-1)	Board of Pharmacy Rules Regarding Licensure and the Practice of Pharmacy \$13.80 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010			
Pharmacy (15-8)	Controlled Substances Monitoring \$6.40 Legislative	6/17/2010	7/18/2010		7/29/2010	Approved 11/16/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-1)	Supervision of a Physical Therapist Assistant \$13.80 Legislative	6/29/2010	7/29/2010	6/29/2010 Approved Section 8 only 7/14/2010 Amendment 11/5/2010 Approved Section 8 only 11/16/2010	7/30/2010				
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant \$3.80 Legislative	6/29/2010	7/29/2010		7/30/2010				
Physical Therapy (16-5)	General Provisions for Athletic Trainers \$2.80 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/20/2010			
Physical Therapy (16-6)	Fees for Athletic Trainers \$2.40 Legislative	6/29/2010	7/29/2010		7/30/2010	Modified & Approved 9/13/2010 Filed 9/20/2010			
Professional Engineers, Bd. of Reg. (7-3)	Application of Engineering Seal \$3.20 Interpretive	5/26/2010	6/28/2010						
Public Service Commission (150-5)	Rules for the Government of Sewer Utilities \$12.40 Exempt Legislative	8/15/2008	10/31/2008						
Public Service Commission (150-7)	Rules for the Government of Water Utilities \$14.40 Exempt Legislative	8/15/2008	10/31/2008						
Public Service Commission (150-34)	Rules Governing Alternative and Renewable Energy Portfolio Standard \$12.20 Legislative Exempt	7/30/2010	9/15/2010					11/5/2010	1/4/2011
Racing Commission (178-1)	Thoroughbred Racing \$44.60 Legislative	6/7/2010	7/8/2010		7/27/2010				
Racing Commission (178-2)	Greyhound Racing \$19.90 Legislative	6/29/2010	7/29/2010		7/30/2010				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-5)	Pari-Mutuel Wagering \$15.30 Legislative	6/7/2010	7/8/2010		7/16/2010				
Real Estate Appraiser Lic. & Cert. Bd. (190-2)	Requirements for Licensure and Certification \$9.60 Legislative	9/22/2010	10/23/2010	9/8/2010 ERD by 10/20/2010					
Regional Jail & Correctional Facility Authority (94-9)	Charges Assessed Against Inmates for Services Provided by Regional Jail, Medical Co-Payment \$3.20 Interpretive	4/12/2010	5/28/2010					7/16/2010	8/16/2010
Sanitarians, Bd. Of Reg. for (20-3)	Interim Fee Schedule \$3.60 Legislative	6/17/2010	7/19/2010	5/18/2010 Effective 6/29/2010	7/29/2010	Approved 11/16/2010			
Sanitarians, Bd. of Ref. for (20-4)	Rules Governing the Practice of Public Health Sanitation \$4.60 Legislative	6/23/2010	7/23/2010		7/29/2010	Approved 11/16/2010			
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund \$4.60 Legislative	10/8/2010	11/8/2010		11/12/2010				
Secretary of State (153-41)	Administrative Law Division Publication Fees \$3.60 Legislative	6/28/2010	7/28/2010		7/29/2010				
Senior Services (76-3)	WV State Plan for Aging Programs \$12.10 Interpretive	4/1/2010	Hearing 5/17/2010 Comments 6/1/2010					10/13/2010	11/13/2010
State Election Commission (146-5)	WV Supreme Court of Appeals Public Campaign Financing Pilot Program \$12.30 Legislative	6/18/2010	7/19/2010		7/29/2010				
State Rail Authority (172-2)	Valuation of Used Rolling Stock and Equipment \$3.60 Legislative	3/31/2010	4/30/2010		5/13/2010	Approved 8/10/2010			
Tax Department (110-13Q)	Commercial Patent Incentives Tax Credit \$4.40 Legislative	6/14/2010	7/15/2010		7/28/2010	Modified & Approved 10/11/2010 Filed 11/5/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-15J)	Consumers Sales & Service Tax & Use Tax Exemptions Mandated Pursuant to Executive Orders 4-10 and 7-10 Referring to Purchases of Mobile Homes, Building Materials and Supplies, Bottled Water, Cleaning Supplies and Other Supplies Used for Flood Relief; Affordable Housing Trust Fee Not Exempt \$4.20 Legislative	8/9/2010	9/9/2010	7/9/2010 Approved 7/14/2010					
Tax Department (110-27)	Service of Notice \$7.40 Interpretive	8/9/2010	9/9/2010					10/14/2010	11/15/2010
Tax Department (110-50E)	Exchange of Information Agreement Between the State Tax Department and the WV Lottery \$3.60 Legislative	6/3/2010	7/6/2010		7/26/2010	Approved 10/11/2010			
Tax Department (110-50F)	Exchange of Information Agreement Between the State Tax Department and the State Fire Marshal \$2.40 Legislative	6/3/2010	7/6/2010		7/26/2010	Modified & Approved 10/11/2010 Filed 11/5/2010			
Treasurer's Office (112-3)	Establishment of Imprest Funds \$2.80 Legislative	5/26/2010	6/28/2010		6/30/2010	Modified & Approved 7/21/2010 Filed 7/30/2010			
Veterinary Medicine (26-1)	Organization and Operation and Licensing of Veterinarians \$5.60 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Veterinary Medicine (26-2)	Disciplinary and Complaint Procedures of the WV Bd. of Veterinary Medicine \$3.40 Procedural	6/25/2010	7/26/2010		7/27/2010			Withdrawn as Leg. Rule 11/24/2010 Final Filed as Procedural 11/24/2010	1/1/2011

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-2A)	Contested Case Hearing Procedures \$5.40 Procedural	6/25/2010	7/26/2010		7/27/2010			Withdrawn as Leg. Rule 11/24/2010 Final Filed as Procedural 11/24/2010	1/1/2011
Veterinary Medicine (26-3)	Registration of Veterinary Technicians \$4.20 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Veterinary Medicine (26-4)	Standards of Practice \$5.80 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Veterinary Medicine (26-5)	Certified Animal Euthanasia Technicians \$4.60 Legislative	6/25/2010	7/26/2010	6/25/2010 Effective 8/6/2010	7/27/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Veterinary Medicine (26-6)	Schedule of Fees \$2.80 Legislative	6/25/2010	7/26/2010		7/27/2010	Modified & Approved 11/16/2010 Filed 11/24/2010			
Waste Management (33-20)	Hazardous Waste Mangement Rule \$7.00 Legislative	6/14/2010	7/15/2010		7/30/2010	Modified & Approved 9/13/2010 9/21/2010			
Water Resources (47-2)	Requirements Governing Water Quality Standards \$12.80 Legislative	3/3/2010 6/4/2010	4/1/2010 7/19/2010	3/3/2010 Approved 3/5/2010	6/4/2010 7/30/2010				
Water Resources (47-12)	Requirements Governing Groundwater Standards \$3.20 Legislative	6/11/2010	7/15/2010		7/23/2010	Modified & Approved 9/13/2010 Filed 9/14/2010			
Water Resources (47-60)	Monitoring Well Design Standards \$8.40 Legislative	6/15/2010	7/15/2010		7/26/2010	Modified & Approved 9/13/2010 Filed 9/22/2010			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Workers Comp. by the Insurance Comm. (85-22)	Medical Review \$3.60 Legislative Exempt	2/23/2010	3/25/2010						
WorkForce West Virginia (96-3)	Employer Violator System \$3.60 Legislative	8/5/2009	9/7/2009	7/31/2009 Approved 8/24/2009 Amendment 9/28/2010 ERD by 11/9/2010 Expired 10/31/2010	9/24/2009	Modified & Approved 10/11/2010 Filed 10/18/2010			

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

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2010 NOV 30 PM 3:24

LEGISLATIVE

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE TENNANT
ADMINISTRATIVE LAW DIVISION**

Please Stamp Filing Date

2010 NOV 23 AM 10:04

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

CITE AUTHORITY: 22A.6.4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
22A.6.4

AMENDMENT TO AN EXISTING RULE: YES x NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 44


TITLE OF RULE BEING AMENDED: Mine Rescue Requirements for the Office of Miner's Health, Safety and Training

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS 12/30/2010


Authorized Signature

**NOTICE OF FILING CHANGES TO DHHR
MANUAL WITH THE SECRETARY OF STATE**

AGENCY: West Virginia Department of Health and Human Resources BUREAU: Bureau for Medical Services

AUTHORITY: Nancy V. Atkins, RN, MSN, NP-BC, Commissioner

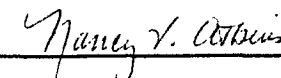
TITLE OF MANUAL and/or STATE PLAN TO
WHICH CHANGES ARE BEING FILED: Chapter 518, Pharmacy Services

CHAPTER TITLE OF MANUAL TO WHICH
POLICY IS BEING FILED:

STATE RULE:	YES	NO	FEDERAL RULE:	YES	NO	PAGE REPLACED:	PAGES ADDED: SPA ONLY
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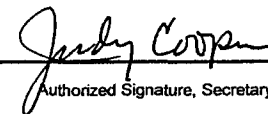
SECTION
NUMBER(S) AND
TITLE(S)

Chapter 518, Pharmacy Services, effective November 1, 2010.



Authorized Signature, Bureau for Medical Services

CONTACT:
Bureau for Medical Services
West Virginia Department of
Health and Human Resources
350 Capitol Street, Room 251
Charleston, West Virginia 25301
304.558.1700 Telephone


Authorized Signature, Secretary of State

Please acknowledge receipt of this material by
signing and returning a copy of this document to
the attention of Donna Nix, Bureau for Medical
Services, 350 Capitol Street, Room 251,
Charleston, West Virginia, 25301-3707.

4300

LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
 NATALIE TENNANT
 ADMINISTRATIVE LAW DIVISION

Please Stamp Filing Date

2010 NOV 30 AM 10:04

**NOTICE OF FILING CHANGES TO DHHR
 MANUAL WITH THE SECRETARY OF STATE**

AGENCY: West Virginia Department of Health and Human Resources **BUREAU:** Bureau for Medical Services

AUTHORITY: Nancy V. Atkins, RN, MSN, NP-BC, Commissioner

TITLE OF MANUAL and/or STATE PLAN TO WHICH CHANGES ARE BEING FILED: Chapter 530, Speech-Language Pathology and Audiology Services

CHAPTER TITLE OF MANUAL TO WHICH POLICY IS BEING FILED:

STATE RULE:	YES	NO	FEDERAL RULE:	YES	NO	PAGE REPLACED:	PAGES ADDED: SPA ONLY

SECTION NUMBER(S) AND TITLE(S)

Chapter 530, Speech-Language Pathology and Audiology Services, effective November 1, 2010.

Nancy V. Atkins

Authorized Signature, Bureau for Medical Services

CONTACT:
 Bureau for Medical Services
 West Virginia Department of
 Health and Human Resources
 350 Capitol Street, Room 251
 Charleston, West Virginia 25301
 304.558.1700 Telephone

Judy Cooper

Authorized Signature, Secretary of State

Please acknowledge receipt of this material by signing and returning a copy of this document to the attention of Donna Nix, Bureau for Medical Services, 350 Capitol Street, Room 251, Charleston, West Virginia, 25301-3707.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
 1900 Kanawha Boulevard East • Building Five • Room 110
 Charleston, West Virginia 25305-0430 • (304) 558-3505

November 30, 2010

The Honorable Natalie Tennant
 Secretary of State
 State Capitol Building
 Charleston, West Virginia 25305

Re: 157 CSR 4

Dear Secretary Tennant:

The Division of Highways respectfully requests to withdraw the amendment previously submitted to 157 CSR 4 – Purchase and Disposal of Materials, Equipment and Supplies. This rule was reviewed by the Rulemaking Committee on November 15, 2010.

Thank you for your consideration of this matter.

Sincerely,

Paul A. Mattox, Jr.

Paul A. Mattox, Jr., P. E.
 Secretary of Transportation/
 Commissioner of Highways

PAM:He

2010 NOV 30 PM 2:53

LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #4

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2016 DEC -1 PM 1:49

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commissioner TITLE NUMBER: 114

CITE AUTHORITY W. Va. Code §33-2-10.

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

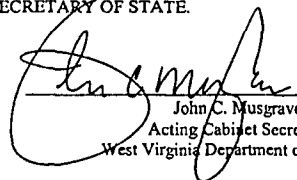
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 41A

TITLE OF RULE BEING PROPOSED: Property and Casualty Actuarial Opinion

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE
RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND
COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED
MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


John C. Musgrave
Acting Cabinet Secretary
West Virginia Department of Revenue

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #4

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2016 DEC -1 PM 1:50

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commissioner TITLE NUMBER: 114

CITE AUTHORITY W. Va. Code §§29-12A-16(g) and 33-2-10.

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

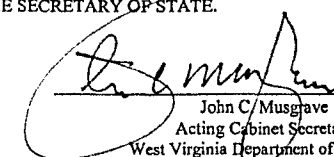
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 65

TITLE OF RULE BEING AMENDED: Self-Insurance Pools for Political Subdivisions

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE
RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND
COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED
MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


John C. Musgrave
Acting Cabinet Secretary
West Virginia Department of Revenue

#3.00

#5.20

LEGISLATIVE



PO BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
FAX: 304-558-3321

John C. Musgrave
Director

November 23, 2010

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

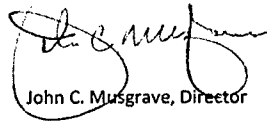
Dear Secretary Tennant:

Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for the "Stinkin' Rich" game manufactured by IGT for lottery terminals located at all four licensed racetracks in the State.

Please file this document as a game rule.

Sincerely,


John C. Musgrave, Director

JCM/mr

Enclosures: Stinkin' Rich

www.wvlottery.com



PO BOX 2067
CHARLESTON, WV 25327

PHONE: 304-558-0500
FAX: 304-558-3321

John C. Musgrave
Director

November 29, 2010

Honorable Natalie Tennant
West Virginia Secretary of State
Attn: Administrative Law Division
1900 Kanawha Boulevard, East
Charleston, WV 25305-0771

Dear Secretary Tennant:

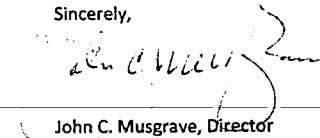
Pursuant to W. Va. Code §29-22A-5(a), the West Virginia State Lottery is, from time to time, to adopt game rules pertaining to Racetrack Video Lottery which are specifically authorized by W. Va. Code §§29-22A-1 et seq.

Enclosed are game rules for the "Capricorn Mountain" game manufactured by Konami Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

In addition, enclosed are games rules for "Power Progressives – Five & Ten Times", "Power Progressives – Rich & Famous", and "Power Progressives – Double Wild Rose" games manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,


John C. Musgrave, Director

JCM/mr

Enclosures: Capricorn Mountain
Power Progressives – Five & Ten Times
Power Progressives – Rich & Famous
Power Progressives – Double Wild Rose



State of West Virginia
Earl Ray Tomblin, Governor

WV Office of Miners' Health, Safety & Training
C. A. Phillips, Acting Director
1615 Washington Street East • Charleston, West Virginia • 25311-2126
Telephone 304-558-1425 • Fax 304-558-1282
www.wvminesafety.org

November 29, 2010

Natalie Tennant, Secretary of State
1900 Kanawha Boulevard, East
Capitol Building – Room 157-K1
Charleston, WV 25311

RE: Title 56, Series 3: Rules and Regulations Governing the Safety of Those Employed
in and Around Surface Mines in West Virginia

Dear Secretary Tennant:

The Office of Miners' Health, Safety and Training hereby withdraws the filing of the above-
referenced proposed rule.

Thank you for your time and attention to this matter. Do not hesitate to contact me if you have
any questions.

Sincerely,

C.A. Phillips

C.A. Phillips, Acting Director

pc: Legislative Rule-Making Review Committee

• Region One • 14 Commerce Dr., Suite 1 • Westover, West Virginia 26001 • Telephone 304-285-3288 • Fax 304-285-3275
• Region Two • 891 Stewart St. • Welch, West Virginia 24801-2311 • Telephone 304-438-8421 • Fax 304-438-2100
• Region Three • 137 Peach Court, Suite 2 • Danville, West Virginia 25053 • Telephone 304-369-7823 • Fax 304-369-7828
• Region Four • 550 Industrial Dr. • Oak Hill, West Virginia 25901-9714 • Telephone 304-469-8100 • Fax 304-469-4059

LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #5

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2010 DEC 30 PM 3:44

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: Mines Training Education & Certification TITLE NUMBER: 48
Board of Coal Mine Health and Safety

CITE AUTHORITY: 22A.6.4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW
22A.6.4

AMENDMENT TO AN EXISTING RULE: YES x NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: Initial Training Program for Prospective Mine Rescue Team Members and
Additional Mine Rescue Requirements

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS 12/30/2010

[Signature]
Authorized Signature

#3.60

LEGISLATIVE

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2010 NOV 24 PM 3:25

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et. seq.

AMENDMENT TO AN EXISTING RULE: YES xx NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: §14-1

TITLE OF RULE BEING AMENDED: Rules of the West Virginia Board of Optometry

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Matthew Berardi
Authorized Signature

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

2010 NOV 24 PM 3:25

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et. seq.

AMENDMENT TO AN EXISTING RULE: YES xx NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: §14-5

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Matthew Berardi
Authorized Signature

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**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2010 NOV 24 PM 3:26

LEGISLATIVE

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

2010 NOV 24 PM 3:27

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et seq.

AMENDMENT TO AN EXISTING RULE: YES xx NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: §14-6

TITLE OF RULE BEING AMENDED: Examination and Scoring

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Optometry TITLE NUMBER: §14

CITE AUTHORITY: W. Va. Code §30-8-1, et seq.

AMENDMENT TO AN EXISTING RULE: YES xx NO

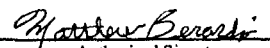
IF YES, SERIES NUMBER OF RULE BEING AMENDED: §14-8

TITLE OF RULE BEING AMENDED: Licensure By Endorsement

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

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Form #4

2018 NOV 24 PM 3:28

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Form #4

2010 NOV 24 PM 3: 29

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LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #4

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2018 NOV 29 PM 4:11

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NOV 29
PM 4:11

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Osteopathy TITLE NUMBER: 24

CITE AUTHORITY: West Virginia Code §30-14A-1

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Osteopathic Physician Assistants

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Ernest Miller
Authorized Signature

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #4

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2018 NOV 29 PM 4:12

2018
NOV 29
PM 4:12

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Osteopathy TITLE NUMBER: 24

CITE AUTHORITY: W. Va. CODE §§ 29B-1-3(5), 30-1-4, 30-1-6, 30-14-4, 30-14A-3 and 31B-13-1304

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Fees for Services Rendered by the Board of Osteopathy

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Ernest Miller
Authorized Signature

\$5.00

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LEGISLATIVE

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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2016 NOV 24 PM 3:12

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 1

TITLE OF RULE BEING AMENDED: Organization and Operation and Licensing of Veterinarians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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2016 NOV 24 PM 3:20

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 3

TITLE OF RULE BEING AMENDED: Registration of Veterinary Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

11/5/16

11/16/20

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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LEGISLATIVE

2016 NOV 24 PM 3:19

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 4

TITLE OF RULE BEING AMENDED: Standards of Practice

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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2016 NOV 24 PM 3:13

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 5

TITLE OF RULE BEING AMENDED: Certified Animal Euthanasia Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

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**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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LEGISLATIVE

2016 JUL 24 PM 3:21

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 6

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

18-2-60

WANDA GOODWIN: EXECUTIVE DIRECTOR
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313
Phone (304) 776-8032
FAX (304) 776-8256
E-mail: wgoodwin@wvnet.edu



WEST VIRGINIA
BOARD OF VETERINARY MEDICINE

2010 NOV 24 PM 3:22

PROCEDURAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

2010 NOV 24 PM 3:22

November 24, 2010

The Honorable Natalie Tennant
WV Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Secretary of State Tennant:

The West Virginia Board of Veterinary Medicine Title 26, Series 2 rule "Disciplinary and Complaint Procedures of the West Virginia Board of Veterinary Medicine" was submitted with modifications to the West Virginia Secretary of State Office and to Legislative Rule Making on June 25, 2010 for Public Comment. The Agency Approved Rule was filed July 27, 2010 with no comments received on the rule during the comment period.

At the request of the West Virginia Legislature, we respectfully withdraw Title 26, Series 2 of our rules from the 2011 legislative process. We were asked to submit the rule as a Procedural Rule instead.

In compliance with the request of the West Virginia Legislature, we submit Title 26, Series 2 as a Procedural Rule with a requested effective date of January 1, 2011.

Respectfully,

Wanda Goodwin

Copy: Legislative Rule Making

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

RULE TYPE: PROCEDURAL ☒ INTERPRETIVE ☐

EXEMPT LEGISLATIVE RULE ☐

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 2

TITLE OF RULE BEING AMENDED: Disciplinary and Complaint Procedures of the West Virginia
Board of Veterinary Medicine

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 1, 2011

Authorized Signature

153,410

WANDA GOODWIN: EXECUTIVE DIRECTOR
5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313
Phone (304) 776-8032
FAX (304) 776-8256
E-mail: wgoodwin@wvnet.edu



WEST VIRGINIA
BOARD OF VETERINARY MEDICINE

PROCEDURAL

WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

2010 NOV 24 PM 3:23

November 24, 2010

The Honorable Natalie Tennant

WV Secretary of State

State Capitol Building

Charleston, WV 25305

Dear Secretary of State Tennant:

The West Virginia Board of Veterinary Medicine Title 26, Series 2A rule "Contested Case Hearing Procedures" was submitted with modifications to the West Virginia Secretary of State Office and to Legislative Rule Making on June 25, 2010 for Public Comment. The Agency Approved Rule was filed July 27, 2010 with no comments received on the rule during the comment period.

At the request of the West Virginia Legislature, we respectfully withdraw Title 26, Series 2A of our rules from the 2011 legislative process. We were asked to submit the rule as a Procedural Rule instead.

In compliance with the request of the West Virginia Legislature, we submit Title 26, Series 2A as a Procedural Rule with a requested effective date of January 1, 2011.

Respectfully,

Wanda Goodwin

Copy: Legislative Rule Making

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: §30-10-5

RULE TYPE: PROCEDURAL X INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 2A

TITLE OF RULE BEING AMENDED: Contested Case Hearing Procedures

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 1, 2011

Authorized Signature

#5.40

Orders Report

Docket Number	Agency	Respondent	Decision Date
10-3-9227-H	Health Care Authority	Charleston Area Medical Center, Inc.	11/19/2010
10-6-9230-BH	Health Care Authority	Highland Health Center Inc., Highland Behavioral Health Services Inc., Highland-Clarksburg Hospital	11/19/2010
10-1234568911-9237-A	Health Care Authority	FC-Gen Operations Investments LLC, FC-Gen Real Estate LLC, Genesis Operations LLC	11/19/2010
N/A	Medicine	Dana Ruth Morton, M.D.	11/19/2010
2010-16-SMB	Surface Mine Board	Independence Coal Company, Inc.	11/2/2010
2009-01-SMB	Surface Mine Board	Sierra Club and Ansted Historical Preservation Association, Inc.	11/9/2010



Notice of Public Comment Period

West Virginia Health Information Network Policies

The West Virginia Health Information Network (WVHIN) has scheduled a public comment period to receive comments on the following proposed policies:

- Patient Consent – General
- Patient Consent – Permissible Purpose
- Sensitive Health Information
- Authorization
- Authentication
- Patient Amendment
- Patient Access
- Minimum Necessary
- Breach Notification

Written comments may be submitted to Samantha Stamber, Business Development Manager, at the address set forth below and must be received no later than January 3, 2011. Copies of the proposed policies concerning electronic health information exchange set forth above have been filed with the Secretary of State. The policies may be viewed at the WVHIN's website, www.wvhin.org or copies may be obtained by contacting Beverly Blanchard at (304) 558-4503 or toll free at 1-888-558-7002.

Date: December 1, 2010 James L. Pitrolo, Jr., Chair, Health Care Authority
Julian Bailey M.D., WVHIN Chair

100 Des Drive • Charleston, West Virginia 25311 • 304 558-7000 • 304 558-7001fax • 1-888-558-7002/toll free
www.wvhin.org

- (vii) the fact that a patient's participation in the WVHIN is voluntary and subject to a patient's right to Opt-Out.

3. Identical educational information about the WVHIN's Health Information Exchange will be available to patients on-line at a website maintained by the WVHIN.

4. A patient may Opt-Out of participation in the WVHIN in either one of two ways. First, the patient may Opt-Out through his or her Participating Organization. Second, the patient may Opt-Out electronically by computer.

5. A patient may Opt-Out of the WVHIN during a visit or encounter with his or her Participating Organization. If necessary to verify his or her identity, a patient must present the Participating Organization with at least two (2) valid forms of identification.

6. Prior to Opting-Out, a patient must acknowledge in writing or electronically that he or she has been presented with and understands the educational information pertaining to the WVHIN.

7. After a patient's identity has been verified by the Participating Organization, and after the patient has acknowledged in writing or electronically that he or she has been presented with and understands the educational information pertaining to the WVHIN, then a patient may Opt-Out of participation in the WVHIN by executing a standard Opt-Out form developed and approved by the WVHIN to document the patient's Opt-Out decision. This standard Opt-Out form may be a paper form signed by the patient manually, or an electronic form signed by the patient electronically.

8. Alternatively, a patient may Opt-Out of the WVHIN through an electronic process available to patients by website maintained by the WVHIN. This on-line process will be designed by the WVHIN to elicit more than sufficient Personal Demographic Information from the patient to verify his or her identity. This verification process must be as robust as those utilized to process standard financial transactions over the internet.

9. The electronic on-line process must also include the same educational information that is made available to patients by their Participating Organizations, including the written Patient Notice developed and approved by the WVHIN. Prior to Opting-Out on-line, a patient must acknowledge electronically that he or she has been presented with and understands this educational information pertaining to the WVHIN.

10. A patient may choose to Opt-Out at any time, even after having already been enrolled in the WVHIN. However, any exchange of Protected Health Information that may have occurred prior to a patient's decision to Opt-Out will not be reversed.

11. A patient may revoke his or her decision to Opt-Out of the WVHIN by completing a paper or electronic Revocation form from his or her Participating Organization, or by completing an electronic Revocation form on-line at a website maintained by the WVHIN. This must be a standard Revocation form developed and approved by the WVHIN.

POLICIES AND PROCEDURES

TOPIC: Patient Consent - General

OTHER

DOCUMENT NUMBER: 100

EFFECTIVE DATE:

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe how patients will consent to the disclosure of their Protected Health Information through the WVHIN from one Participating Organization to another. The policy will also describe how that consent will be initially expressed, and how it may be subsequently changed.

II. POLICY

The WVHIN will offer all patients a meaningful way to express their consent to either enroll or not enroll in the Health Information Exchange that it sponsors. This consent process will be governed by an Opt-Out policy. This means that all patients of a Participating Organization will be automatically enrolled in the WVHIN, and no affirmative action needs to be taken by a patient who consents to his or her enrollment in the WVHIN. Each patient will receive a written Patient Notice from his or her Participating Organization, developed and approved by the WVHIN, which explains the function of the WVHIN, how his or her Protected Health Information can be disclosed to other Participating Organizations, and the potential benefits and risks of participation in the WVHIN. In addition, the WVHIN will publish a written Patient Notice appears in all local newspapers of general circulation in each defined area that the WVHIN intends to serve.

If a patient does not Opt-Out of the WVHIN's Health Information Exchange, his or her Protected Health Information will generally be disclosed in response to a specific request, or Query, made by a Participating Organization for a Permissible Purpose. However, a patient's Protected Health Information will not be disclosed in response to such a Query when it is for a Permissible Purpose for which a specific consent or authorization is required and has not been received from the patient (see Policy and Procedure Number 101 for the discussion of Permissible Purposes), or when it contains Sensitive Health Information for which a specific consent or authorization is required and has not been received from the patient (see Policy and Procedure Document Number 102 for the handling of Sensitive Health Information) even if a patient does not Opt-Out.

A patient who does not want his or her Protected Health Information to be disclosed to other Participating Organizations may Opt-Out by following the procedure below. If a patient does Opt-Out of the WVHIN's Health Information Exchange, his or her Protected Health

(C:\WP7\363.1)

12. Once the Revocation form has been executed by the patient, he or she will be enrolled in the WVHIN from that date forward.

13. A parent or legal guardian may express the consent of a minor child under the age of 18 to enroll or not enroll in the WVHIN only through his or her Participating Organization. If necessary, a parent or legal guardian must present the Participating Organization with a legal guardianship paper, a child custody court order, or other legal authority to act on behalf of a child.

14. In the absence of an expression of consent by a parent or legal guardian on behalf of a minor child under the age of 18, or in the case of a minor child affirmatively seeking to exercise his or her own consent election, a Licensed Practitioner at a Participating Organization may determine after personal examination that the child is a "mature minor" capable of making a meaningful decision as to his or her consent to participate in the WVHIN. If the minor is found to be mature by a Licensed Practitioner, the decision of the mature minor to enroll or not enroll in the WVHIN will be respected. A minor is legally presumed to be capable of making his or her own consent decision when seeking treatment for substance abuse, birth control, prenatal care, or a sexually transmitted disease.

15. Upon reaching the age of majority, a patient whose consent was previously expressed by his or her parent or legal guardian will exercise his or her own consent decision in accordance with the procedures outlined in paragraphs 1 through 12 above.

B. Participating Organization Procedures

1. A Participating Organization must provide every patient with educational information about the WVHIN's Health Information Exchange during the patient's first encounter with that Participating Organization after it enrolls in the WVHIN. This educational information must be provided in writing, and in any other format (on-line presentation, oral presentation, foreign language presentation, etc.) designed to ensure that its contents are communicated to and understood by the patient. This educational information must consist of, at a minimum, a written Patient Notice developed and approved by the WVHIN which explains:

- the function of the WVHIN;
- the Permissible Purposes for which a patient's Personal Health Information may be disclosed to other Participating Organizations through the WVHIN;
- the types of Protected Health Information which may be disclosed to other Participating Organizations;
- the need for the patient's specific consent or authorization to disclose Personal Health Information for certain types of Permissible Purposes or to disclose certain categories of Sensitive Health Information;

(C:\WP7\363.1)

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Information will not be disclosed in response to a Query made by a Participating Organization. However, despite a patient's decision to Opt-Out, the WVHIN will process and exchange Protected Health Information involved in the delivery of test results from clinical laboratories, imaging providers, and other like providers (Results Delivery), for E-Prescribing, for Payment, and for the reporting of legally-designated health conditions and immunization data (Public Health), all of which are considered Permissible Purposes under the WVHIN.

A patient may decide at any time to change his or her consent to participate in the WVHIN.

III. PROCEDURES

A. Patient Procedures

- No action is needed by a patient if he or she wishes to participate or enroll in the WVHIN.

2. Every patient must receive educational information about the WVHIN's Health Information Exchange from his or her Participating Organization during his or her first encounter with that Participating Organization after it enrolls in the WVHIN. This educational information must be provided in writing, and in any other format (on-line presentation, oral presentation, foreign language presentation, etc.) designed to ensure that its contents are communicated to and understood by the patient. This educational information must consist of, at a minimum, a written Patient Notice developed and approved by the WVHIN which explains:

- the function of the WVHIN;
- the Permissible Purposes for which a patient's Personal Health Information may be disclosed to other Participating Organizations through the WVHIN;
- the types of Protected Health Information which may be disclosed to other Participating Organizations;
- the need for the patient's specific consent or authorization to disclose Personal Health Information for certain types of Permissible Purposes or to disclose certain categories of Sensitive Health Information;
- the fact that the patient's Personal Demographic Information will be included in a Master Patient Index maintained by the WVHIN to permanently record his or her consent decision;
- the potential benefits and risks of participation in the WVHIN; and

(C:\WP7\363.1)

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- the fact that the patient's Personal Demographic Information will be included in a Master Patient Index maintained by the WVHIN to permanently record his or her consent decision;
- the potential benefits and risks of participation in the WVHIN; and
- the fact that a patient's participation in the WVHIN is voluntary and subject to a patient's right to Opt-Out.

This written Patient Notice may be provided to the patient as an addendum to the Participating Organization's Notice of Privacy Practices.

2. The Participating Organization should also verbally counsel the patient about his or her consent to either enroll or not enroll in the WVHIN. The goal of such counseling will be to educate the patient about the potential benefits and risks of participation in the WVHIN, while at the same time, to fully respect the individual consent decision expressed by the patient.

3. A patient must acknowledge in writing or electronically that he or she has been presented with and understands the educational information pertaining to the WVHIN. The Participating Organization must maintain a permanent record of this acknowledgement in the patient's medical record.

4. If the patient elects to Opt-Out of the WVHIN after receiving and acknowledging the educational information, the Participating Organization must first ensure that the identity of a patient has been properly verified. If the Participating Organization does not have personal knowledge of the patient's identity, at least two (2) valid forms of identification must first be reviewed by the Participating Organization. Absent either personal knowledge or at least two (2) valid forms of identification, a patient cannot Opt-Out.

5. Once a patient's identity has been verified by the Participating Organization, the Participating Organization will require the patient to document his or her decision to Opt-Out of the WVHIN by utilizing the standard Opt-Out form developed and approved by the WVHIN. This standard Opt-Out form may be a paper form signed by the patient manually, or an electronic form signed by the patient electronically. A copy of this Opt-Out form will be kept and permanently maintained by the Participating Organization in the patient's medical record.

6. A Participating Organization must allow a patient to Opt-Out at any time, even after having already been enrolled in the WVHIN. However, any exchange of Protected Health Information that may have occurred prior to a patient's decision to Opt-Out will not be reversed.

7. If requested, a Participating Organization will assist the patient in revoking his or her decision to Opt-Out of the WVHIN. The Participating Organization will supply the patient with the standard Revocation form developed and approved by the WVHIN. This form may be in either paper or electronic form. The Participating Organization must permanently retain a copy of the signed Revocation form in the patient's medical record.

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8. Once the Revocation form has been executed by the patient, he or she will be enrolled in the WVIHIN from that date forward.

9. The Participating Organization will comply with the expression of consent made by a parent or legal guardian as to his or her minor child's enrollment in the WVIHIN. If necessary, the Participating Organization will verify the authority of the parent or legal guardian to act on behalf of the child by first reviewing a legal guardianship paper, a child custody court order, or other legal authority.

10. A Licensed Practitioner working at a Participating Organization, in the absence of an expression of consent by a parent or legal guardian on behalf of a minor child under the age of 18, or in the case of a minor child affirmatively seeking to exercise his or her own consent election, may determine after personal examination that the child is a "mature minor" capable of making a meaningful decision as to his or her consent to participate in the WVIHIN. If the minor is found to be mature by a Licensed Practitioner, the decision of the mature minor to enroll or not enroll in the WVIHIN will be respected.

11. A minor is legally presumed to be capable of making his or her own consent decision when seeking treatment for substance abuse, birth control, prenatal care, or a sexually transmitted disease.

12. Upon reaching the age of majority, a patient whose consent was previously expressed by his or her parent or legal guardian will exercise his or her own consent decision in accordance with the procedures outlined in paragraphs 1 through 8 above.

13. Upon enrollment in the WVIHIN, a Participating Organization will immediately and electronically supply the WVIHIN with Personal Demographic Information about all of its patients so that other Participating Organizations may access their Protected Health Information for a Permissible Purpose in accordance with the WVIHIN's policies and procedures.

14. All decisions made by patients to Opt-Out of the WVIHIN will be immediately and electronically communicated by the Participating Provider to the WVIHIN to ensure compliance with each patient's decision to Opt-Out.

15. A Participating Organization will not deny care to any patient who elects to Opt-Out of the WVIHIN.

C. WVIHIN Procedures

1. The WVIHIN will provide outreach, educational information, and where requested, technical assistance to patients and Participating Organizations to promote a consistent implementation of the consent procedures outlined above. At a minimum, the WVIHIN's educational information must include a written Patient Notice developed and approved by the WVIHIN which explains:

- (i) the function of the WVIHIN;

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14. Regardless of whether a patient has elected to enroll or not enroll in the WVIHIN, the WVIHIN may process Protected Health Information for the Permissible Purposes of Payment, Results Delivery, E-Prescribing, and Public Health.

15. The WVIHIN may Deidentify Protected Health Information, and may use or disclose such Deidentified data for any Permissible Purpose.

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2. The WVIHIN will ensure that this written Patient Notice is published in all local newspapers of general circulation in each defined area that the WVIHIN intends to serve, as well as the expected date of implementation in each defined area. This Patient Notice will be published a minimum of three (3) times, and at least thirty (30) days prior to the date upon which the WVIHIN's Health Information Exchange becomes functional in the defined area.

3. The WVIHIN will supply its Participating Organizations with copies of all standard Opt-Out forms, Revocation forms, and Patient Notices. In addition, the WVIHIN will include all of these forms on-line on its website.

4. The WVIHIN will make an electronic process available to patients on-line at its website to enable patients to Opt-Out of participation in the WVIHIN's Health Information Exchange. This on-line process will be designed by the WVIHIN to elicit more than sufficient Personal Demographic Information from the patient to verify his or her identity. This verification process must be as robust as those utilized to process standard financial transactions over the internet.

5. The electronic on-line process must also include the same educational information that is made available to patients by their Participating Organizations, including the written Patient Notice developed and approved by the WVIHIN. Prior to Opting-Out on-line, a patient must acknowledge electronically that he or she has been presented with and understands this educational information pertaining to the WVIHIN.

6. Each patient who elects to Opt-Out either through a Participating Provider or on-line at the WVIHIN's website will be sent a letter by the WVIHIN to the patient's home address

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POLICIES AND PROCEDURES	
TOPIC: Patient Consent - Permissible Purpose	
DOCUMENT NUMBER: 101	
EFFECTIVE DATE:	

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe the Permissible Purposes for which Protected Health Information may be disclosed through the WVIHIN from one Participating Organization to another. Absent a Permissible Purpose, no information exchange will be authorized. The placement of appropriate limits upon health information exchange through the definition of what constitutes a Permissible Purpose will enhance patient and provider confidence in the Health Information Exchange process, and will minimize the potential for misuse or abuse of Protected Health Information.

II. POLICY

One of the fundamental principles identified by the Office of the National Coordinator for Health Information Technology is the need for appropriate limits on the collection, use, and disclosure of Protected Health Information by a Health Information Exchange organization such as the WVIHIN. The WVIHIN must establish limitations on Participating Organizations to ensure that Protected Health Information will only be disclosed for a Permissible Purpose.

Any disclosure of Protected Health Information for a Permissible Purpose must be conducted in compliance with federal and state laws. The Permissible Purposes for which Protected Health Information may be disclosed through the WVIHIN are:

- Treatment
- Emergency Treatment
- Results Delivery
- E-Prescribing
- Payment
- Quality Control
- Public Health
- Research

The scope of each of these Permissible Purposes under the Health Information Exchange sponsored by the WVIHIN is further described below.

The Permissible Purpose of Treatment allows the exchange of Protected Health Information from one Participating Organization through the WVIHIN in response to a Query

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acknowledging his or her Opt-Out status. The WVIHIN will maintain a permanent record of all Opt-Out forms executed by patients.

7. A patient may revoke his or her decision to Opt-Out of the WVIHIN at any time by completing a paper or electronic Revocation form from his or her Participating Organization, or by completing an electronic Revocation form on-line at the WVIHIN's website. This must be a standard Revocation form developed and approved by the WVIHIN.

8. Each patient who elects to revoke his or her decision to Opt-Out either through a Participating Provider or on-line at the WVIHIN's website will be sent a letter by the WVIHIN to the patient's home address acknowledging the Revocation. The WVIHIN will maintain a permanent record of all Revocation forms executed by patients.

9. Once the Revocation form has been executed by the patient, he or she will be enrolled in the WVIHIN from that date forward.

10. Upon enrollment in the WVIHIN, a Participating Organization will immediately and electronically supply the WVIHIN with Personal Demographic Information about all of its patients. The WVIHIN will elicit more than sufficient Personal Demographic Information about all patients of Participating Organizations in order to record and maintain each patient's consent to either enroll or not enroll in the WVIHIN. In addition, the WVIHIN will utilize this Personal Demographic Information to enable other Participating Organizations to access the Protected Health Information of patients for a Permissible Purpose in accordance with the WVIHIN's policies and procedures.

11. All decisions made by patients to Opt-Out of the WVIHIN will be immediately and electronically recorded by the WVIHIN to ensure compliance with each patient's decision to Opt-Out.

12. For a patient who has not Opted-Out of the WVIHIN, the WVIHIN will generally share all or some of a patient's Protected Health Information in response to a Query from a Participating Organization for a Permissible Purpose. However, a patient's Protected Health Information will not be disclosed in response to a Query when it is for a Permissible Purpose for which a specific consent or authorization is required and has not been received from the patient (see Policy and Procedure Document Number 101 for the discussion of Permissible Purposes), or when it contains Sensitive Health Information for which a specific consent or authorization is required and has not been received from the patient (see Policy and Procedure Document Number 102 for the handling of Sensitive Health Information).

13. For a patient who has Opted-Out of the WVIHIN, the WVIHIN will ensure that no Protected Health Information will be disclosed in response to a Query from a Participating Organization for any Permissible Purpose other than Payment. Instead, the Participating Organization that submitted the Query will receive the following message: "NOTE: This patient's medical record has been excluded from view in the WVIHIN. Please contact the applicable provider or the patient for additional information."

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from another Participating Organization. Treatment means the provision of health care items or services to a patient. The provision of health care items or services may include direct patient care as well as the consultation, coordination, management, or referral of a patient between or from one Participating Organization to another. Treatment shall be limited to the provision of health care items or services to the patient who is the subject of the information (except in the case of mother/father). A disclosure for the Permissible Purpose of Treatment may occur through the WVIHIN only if the patient has not elected to Opt-Out.

The Permissible Purpose of Emergency Treatment allows the exchange of Protected Health Information from one Participating Organization through the WVIHIN in response to a Query from another Participating Organization. Emergency Treatment means the provision of health care items or services to a patient suffering from a condition which poses an immediate threat to the health of the patient (for example, death or serious impairment to one or more bodily functions, organs, or parts), and which requires immediate medical intervention. Emergency Treatment is a distinct subset of Treatment, although it is sometimes made subject to differing consent policies and procedures by the WVIHIN. A disclosure for the Permissible Purpose of Emergency Treatment may occur through the WVIHIN only if the patient has not elected to Opt-Out.

The Permissible Purpose of Results Delivery allows the exchange of Protected Health Information from one Participating Organization to another through the WVIHIN by electronically delivering test results. Results Delivery allows an order to be made for a particular test from a Participating Organization, and the delivery of the results of the ordered test to flow back from the Participating Organization performing the ordered test. These test results can be from clinical laboratories, imaging providers, and other like providers. The electronic delivery of these test results will allow them to rapidly become a part of the patient's permanent record for Treatment purposes. Results Delivery is a distinct subset of Treatment, although it is sometimes made subject to differing consent policies and procedures by the WVIHIN. For example, a Participating Organization may not submit a Query to the WVIHIN for the Permissible Purpose of Results Delivery. A disclosure for the Permissible Purpose of Results Delivery may be undertaken through the WVIHIN regardless of whether a patient decides to participate in the Health Information Exchange sponsored by the WVIHIN, or elects instead to Opt-Out.

The Permissible Purpose of E-Prescribing allows the exchange of Protected Health Information from one Participating Organization to another through the WVIHIN in the form of a Licensed Practitioner's order for a prescription drug, and any other communication related to that order by the Participating Organization filing that prescription. E-Prescribing is a distinct subset of Treatment, although it is sometimes made subject to differing consent policies and procedures by the WVIHIN. For example, a Participating Organization may not submit a Query to the WVIHIN for the Permissible Purpose of E-Prescribing. A disclosure for the Permissible Purpose of E-Prescribing may be undertaken through the WVIHIN regardless of whether a patient decides to participate in the Health Information Exchange sponsored by the WVIHIN, or elects instead to Opt-Out.

The Permissible Purpose of Payment allows the exchange of Protected Health Information from one Participating Organization to another through the WVIHIN to obtain or

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provide reimbursement for the provision of health care items or services to a patient. Payment also includes activities arising out of billing and collection, obtaining premiums for health plan coverage, determining eligibility for coverage, coordinating benefits with other health plans, performing health plan risk adjustment, reviewing medical necessity, providing prescreening or preauthorization of services, quality reporting to Medicare or other health plans, and other like activities. A disclosure for the Permissible Purpose of Payment may be undertaken through the WVHIN regardless of whether a patient decides to participate in the Health Information Exchange sponsored by the WVHIN, or elects instead to Opt-Out.

The Permissible Purpose of Quality Control allows the exchange of Protected Health Information from one Participating Organization to another through the WVHIN for quality assessment and improvement activities (including utilization review), and for the review and evaluation of health care practitioners, professionals, and providers (including peer review). A disclosure for the Permissible Purpose of Quality Control may occur through the WVHIN only if the patient has not elected to Opt-Out.

The Permissible Purpose of Public Health allows the exchange of Protected Health Information from a Participating Organization to a federal or state agency through the WVHIN for the reporting and surveillance of specific health conditions identified under law, and for the reporting of immunization data. All reports for the Permissible Purpose of Public Health must comply with the requirements established by the agency that receives the report. Such reporting must contain only the Minimum Necessary of Protected Health Information and/or Protected Demographic Information as is required by law, and is not subject to a Query. A disclosure for the Permissible Purpose of Public Health may be undertaken through the WVHIN regardless of whether a patient decides to participate in the Health Information Exchange sponsored by the WVHIN, or elects instead to Opt-Out.

The Permissible Purpose of Research allows the exchange of Protected Health Information from one Participating Organization to another through the WVHIN for scientific research if the patient has specifically consented to or authorized the research disclosure, or if a Federally Qualified Institutional Review Board has waived the need for such a patient consent or authorization. In either case, the researcher must maintain the privacy and security of the Protected Health Information at all times, and may not re-disclose any Protected Health Information. A disclosure for the Permissible Purpose of Research may only occur through the WVHIN if specific patient consent or authorization has been obtained or the need for such consent has been waived by a Qualified Institutional Review Board.

III. PROCEDURES

A. Patient Procedures.

1. If a patient who has not Opted-Out and wants to authorize his or her Protected Health Information to be disclosed to a Participating Organization through the WVHIN for Research, he or she must complete and sign a consent/authorization form that satisfies all legal

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Research must be signed by the minor's parent or legal guardian. If necessary, a parent or legal guardian must present the Participating Organization with a legal guardianship paper, a child custody court order, or other legal authority to act on behalf of a child.

14. The Participating Organization will permanently retain copies of all signed Research Consent/Authorization and Revocation forms in the patient's record.

C. WVHIN Procedures.

1. Each Query must designate a Permissible Purpose. The Permissible Purposes of Results Delivery, E-Prescribing, and Public Health may not be used in a Query by a Participating Organization, and will not be processed by the WVHIN. All Queries must be submitted electronically.

2. For a patient who has not Opted-Out of the WVHIN, the WVHIN will share Protected Health Information in response to a Query from a Participating Organization for the Permissible Purpose of Treatment, Emergency Treatment, Payment, or Quality Control if the Participating Organization certifies electronically to the WVHIN that it has an existing Treatment or Payment relationship to the patient sufficient to justify the identified Permissible Purpose.

3. For a patient who has not Opted-Out of the WVHIN, the WVHIN will share Protected Health Information in response to a Query from a Participating Organization for the Permissible Purpose of Research regardless of whether there is an existing relationship with the patient.

4. For a patient who has not Opted-Out of the WVHIN, the WVHIN will share Protected Health Information in response to a Query from a Participating Organization for Research only if:

- it is in accordance with a Research Consent/Authorization form that is certified by the requesting Participating Organization to be signed, currently valid, and satisfying all legal requirements for the disclosure; or
- a Federally Qualified Institutional Review Board has waived the need for a patient consent/authorization.

5. Absent compliance with either Paragraph 4-i or 4-ii above, the WVHIN will ensure that no Protected Health Information will be shared in response to a Query from a Participating Organization for Research.

6. The WVHIN will supply its Participating Organizations with paper copies of all standard Research Consent/Authorization and Revocation forms, and make electronic versions of these forms available on the WVHIN network.

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requirements for the disclosure. A patient must obtain the consent/authorization form from his or her Participating Organization.

2. A patient may provide his or her consent/authorization through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Research Consent/Authorization form developed and approved by the WVHIN.

3. A patient may revoke his or her Research Consent/Authorization form by obtaining a Research Revocation form from his or her Participating Organization to document this change.

4. This revocation may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Research Revocation form developed and approved by the WVHIN. However, any exchange of Protected Health Information that occurred prior to revocation will not be reversed.

5. Other than situations involving Treatment for substance abuse, birth control, prenatal care, or a sexually transmitted disease, any consent/authorization to the exchange of Protected Health Information of a minor child under the age of 18 through the WVHIN for Research must be signed by the minor's parent or legal guardian. If necessary, a parent or legal guardian must present the Participating Organization with a legal guardianship paper, a child custody court order, or other legal authority to act on behalf of a child.

B. Participating Organization Procedures.

1. Each Query must designate a Permissible Purpose. However, the Permissible Purposes of Results Delivery, E-Prescribing, and Public Health may not be used in a Query by a Participating Organization. All Queries must be submitted electronically.

2. A Participating Organization may Query the WVHIN for the Protected Health Information of a patient for the Permissible Purposes of Treatment, Emergency Treatment, Payment, or Quality Control.

3. When submitting a Query under Paragraph 2 above, a Participating Organization must certify electronically to the WVHIN that it has an existing Treatment or Payment relationship to the patient sufficient to justify the Permissible Purpose of Treatment, Emergency Treatment, Payment, or Quality Control.

4. A Participating Organization may Query the WVHIN for the Protected Health Information of a patient for the Permissible Purpose of Research regardless of whether there is an existing relationship with the patient.

5. Any Protected Health Information obtained by a Participating Organization through the WVHIN as a result of a Query must be used only for the designated Permissible

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7. The WVHIN will implement protocols within its Health Information Exchange under which routine and recurring Queries for Payment and Quality Control will elicit from its Participating Organizations only limited data fields of Protected Health Information to promote compliance with the Minimum Necessary policy and procedures (see Policy and Procedure Number 1400). Minimum Necessary policies and procedures do not apply to any form of Treatment or Emergency Treatment.

8. In the case of a Query for the Permissible Purpose of Payment, these protocols will comply with industry standards designed to limit the amount of Protected Health Information to be included in the submission and processing of claims and other standard transactions.

9. In the case of a Query for the Permissible Purpose of Quality Control, these protocols will take the form of either a Limited Data Set that excludes direct identifiers such as name, address, telephone number, email address, Social Security number, etc, or where possible, the form of totally Deidentified data.

10. The WVHIN will require that all Queries seeking the exchange of Sensitive Health Information are in compliance with the Sensitive Health Information policies and procedures (see Policy and Procedure Document Number 102), and where necessary, that the specific consent or authorization of the patient has been properly obtained and presented.

11. For a patient who has Opted-Out of the WVHIN, the WVHIN will ensure that no Protected Health Information will be shared in response to a Query from a Participating Organization for any Permissible Purpose other than Payment. Instead, the Participating Organization that submitted the Query will receive the following message: "NOTE: This patient's medical record has been excluded from view in the WVHIN. Please contact the applicable provider or the patient for additional information."

12. Regardless of whether a patient has elected to enroll or not enroll in the WVHIN, the WVHIN may exchange Protected Health Information for the Permissible Purposes of Results Delivery, Payment, E-Prescribing, and Public Health.

13. WVHIN will cooperate with Participating Organizations in any attempt to electronically flag specific health conditions required by law to be reported to federal or state agencies for surveillance reasons pursuant to the Permissible Purpose of Public Health. Likewise, the WVHIN will similarly cooperate with Participating Organizations to flag and report immunization data.

14. The WVHIN may Deidentify Protected Health Information, and may use or disclose such Deidentified data for any Permissible Purpose.

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Purpose for which it was sought. A Query for the Permissible Purpose of Treatment, Emergency Treatment, or Payment must be limited to the Protected Health Information of the patient who is the subject of the Query (except in the case of mother/infant).

6. A Participating Organization must comply with the Minimum Necessary policies and procedures when submitting a Query for the exchange of Protected Health Information for the Permissible Purposes of Payment, Quality Control, or Research (see Policy and Procedure Document Number 1400). Minimum Necessary policies and procedures do not apply to any form of Treatment or Emergency Treatment.

7. Participating Organizations seeking the exchange of Sensitive Health Information must comply with the Sensitive Health Information policies and procedures (see Policy and Procedure Document Number 102), and where necessary, must obtain the specific consent or authorization of the patient.

8. Participating Organizations will cooperate with the WVHIN in any attempt to electronically flag specific health conditions required by law to be reported to federal or state agencies for surveillance reasons pursuant to the Permissible Purpose of Public Health. Likewise, Participating Organizations will similarly cooperate with the WVHIN to flag and report immunization data.

9. Before a Participating Organization may obtain the disclosure of a patient's Protected Health Information through the WVHIN for Research, it must certify electronically to the WVHIN that it has obtained a copy of the patient's signed consent/authorization on a standard Research Consent/Authorization form developed and approved by the WVHIN, or that a Federally Qualified Institutional Review Board has waived the need for patient consent. An electronic copy of the consent or waiver must be included with the Query submitted by the Participating Organization seeking access to the Protected Health Information for Research.

10. All consents relating to Research may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix his or her electronic signature. In either case, the form must be a standard Research Consent/Authorization form developed and approved by the WVHIN.

11. If requested, a Participating Organization will assist the patient in revoking his or her consent/authorization to share Protected Health Information for Research.

12. This revocation may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Research Revocation form developed and approved by the WVHIN. However, any exchange of Protected Health Information that occurred prior to revocation will not be reversed.

13. Other than situations involving Treatment for substance abuse, birth control, prenatal care, or a sexually transmitted disease, any consent/authorization to the exchange of Protected Health Information of a minor child under the age of 18 through the WVHIN for

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POLICIES AND PROCEDURES	
TOPIC:	Patient Consent - Sensitive Health Information
DOCUMENT NUMBER:	102
EFFECTIVE DATE:	

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe how patients may consent to the disclosure of their Sensitive Health Information through the WVHIN from one Participating Organization to another. The policy will describe the categories of Sensitive Health Information, as well as how patient consent will be initially expressed and subsequently changed.

II. POLICY

Federal and state laws impose heightened privacy and security requirements upon the disclosure of certain types of Protected Health Information that may be considered particularly private or sensitive to a patient. These laws require strict compliance, and patient fears and concerns about their privacy must be given utmost attention and respect. The heightened legal requirements for this type of Protected Health Information, which shall be referred to as Sensitive Health Information, cannot be adequately addressed by an Opt-Out policy. Depending upon the Permissible Purpose for which Sensitive Health Information is being sought, the law may require a patient to specifically consent to or authorize a disclosure of his or her Sensitive Health Information by signing a document that contains certain elements. A patient who does not want his or her Sensitive Health Information to be shared through the WVHIN with other Participating Organizations may either Opt-Out of the WVHIN, or elect not to sign such a consent or authorization.

Any disclosure of Sensitive Health Information for a Permissible Purpose must be conducted in compliance with federal and state laws. The recognized categories for Sensitive Health Information under the WVHIN are:

- ▶ Drug or Alcohol Information
- ▶ Mental Health Information
- ▶ Psychotherapy Notes
- ▶ HIV-Related Tests

The scope of each of these categories of Sensitive Health Information is further described below.

Drug or Alcohol Information is considered Sensitive Health Information. This includes any diagnosis or treatment information, or any information that would specifically identify a

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patient as a drug or alcohol abuser. In the absence of a consent or authorization signed by the patient, federal law permits drug or alcohol abuse treatment information to be disclosed for only the Permissible Purposes of Emergency Treatment and Quality Control, but not for Treatment, Payment, Public Health, or Research. Accordingly, the WVHIN must use its best efforts to require Participating Organizations to exclude this type of Sensitive Health Information from being shared through the WVHIN for all Permissible Purposes except for Emergency Treatment and Quality Control. Drug or Alcohol Information may only be shared through the WVHIN for Treatment, Payment, Public Health, or Research if there is a patient's signed consent or authorization on a currently valid document that satisfies all legal requirements for the disclosure. Results Delivery and E-Prescribing, as forms of Treatment, also require certification of a signed consent before Drug or Alcohol Information may be disclosed through the WVHIN for these Permissible Purposes. Any disclosure of Drug or Alcohol Information must be accompanied by a written warning that prohibits re-disclosure of the information.

Mental Health Information is considered Sensitive Health Information. This includes any diagnosis or treatment information, or any information that would specifically identify a patient as receiving mental health services. In the absence of a consent or authorization signed by the patient, West Virginia law permits mental health treatment information to be disclosed for the Permissible Purposes of Treatment and Emergency Treatment, but not for Payment, Quality Control, Public Health, or Research. Accordingly, the WVHIN must use its best efforts to require Participating Organizations to exclude this type of Sensitive Health Information from being shared through the WVHIN for all Permissible Purposes except for Treatment and Emergency Treatment. Mental Health Information may only be shared through the WVHIN for Payment, Quality Control, Public Health, or Research if there is a patient's signed consent or authorization on a currently valid document that satisfies all legal requirements for the disclosure. Any disclosure of Mental Health Information must be accompanied by a written warning that prohibits re-disclosure of the information.

Psychotherapy Notes are considered Sensitive Health Information. They include notes recorded by a mental health provider documenting or analyzing the contents of a conversation during a private, group, or family counseling session and that are separated from the rest on the patient's medical record. In the absence of a specific consent or authorization signed by the patient applicable only to Psychotherapy Notes, federal law prohibits Psychotherapy Notes to be disclosed for any Permissible Purpose. Accordingly, the WVHIN must use its best efforts to require Participating Organizations to exclude this type of Sensitive Health Information from being shared through the WVHIN for all Permissible Purposes. Psychotherapy Notes may only be shared through the WVHIN if there is a patient's specific signed consent or authorization on a currently valid document that satisfies all legal requirements for the disclosure. Results Delivery and E-Prescribing, as forms of Treatment, also require certification of a signed consent or authorization before Psychotherapy Notes may be disclosed through the WVHIN for these Permissible Purposes. Any disclosure of Psychotherapy Notes must be accompanied by a written warning that prohibits re-disclosure of the information.

HIV-Related Tests are considered Sensitive Health Information. This includes the HIV test, the test result, or any information that would specifically identify a patient as receiving an HIV-Related Test. In the absence of a consent or authorization signed by the patient, West

Virginia law permits HIV-Related Tests to be disclosed for the Permissible Purposes of Treatment, Emergency Treatment, Quality Control, and Public Health, but not for Payment or Research. Accordingly, the WVHIN must use its best efforts to require Participating Organizations to exclude this type of Sensitive Health Information from being shared through the WVHIN for all Permissible Purposes except for Treatment, Emergency Treatment, Quality Control, and Public Health. An HIV-Related Test may only be shared through the WVHIN for Payment or Research if there is a patient's signed consent or authorization on a currently valid document that satisfies all legal requirements for the disclosure. Any disclosure of an HIV-Related Test must be accompanied by a written warning that prohibits re-disclosure of the information.

A patient may decide at any time to change his or her consent/authorization preference with respect to Sensitive Health Information.

III. PROCEDURES

A. Patient Procedures

1. If a patient has not Opted-Out and wants to include his or her Sensitive Health Information in the Health Information Exchange sponsored by the WVHIN for one or more Permissible Purposes, he or she must complete and sign a consent/authorization form that satisfies all legal requirements for each such disclosure. A patient must obtain the consent/authorization form from his or her Participating Organization.

2. A patient may provide his or her consent/authorization through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Sensitive Health Information Consent/Authorization form developed and approved by the WVHIN.

3. A patient may revoke his or her Sensitive Health Information Consent/Authorization form by obtaining a Sensitive Health Information Revocation form from his or her Participating Organization to document this change.

4. This revocation may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Sensitive Health Information Revocation form developed and approved by the WVHIN. However, any exchange of Sensitive Health Information that occurred prior to revocation will not be reversed.

5. Any consent or authorization to the exchange of Sensitive Health Information of a minor child under the age of 18 through the WVHIN may only be signed by the minor. A parent or legal guardian may not express the consent or authorization of a minor child for purposes of disclosing Sensitive Health Information through the WVHIN.

B. Participating Organization Procedures

- (i) It is for a Permissible Purpose that is authorized by law without a patient's consent/authorization; or
- (ii) It is in accordance with a Sensitive Health Information Consent/Authorization form certified by a Participating Organization to be signed, currently valid, and satisfying all legal requirements for the disclosure.

4. Absent compliance with either Paragraph 3-i or 3-ii above, no Sensitive Health Information will be shared in response to a Query from a Participating Organization. The Participating Organization that submitted the Query will receive no acknowledgment of any kind that the patient has Opted-Out or has otherwise declined to give consent to the release of his or her Sensitive Health Information.

5. In the case of any disclosure of Drug or Alcohol Information for Emergency Treatment through the WVHIN, the WVHIN must notify the Participating Organization of such disclosure to enable it to comply with its documentation requirements set forth in Paragraph B-1 above.

6. Any disclosure of Sensitive Health Information through the WVHIN must be accompanied by a written warning that prohibits re-disclosure of the information by the receiving organization.

5. All consents/authorizations relating to Sensitive Health Information may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature.

6. If requested, a Participating Organization will assist the patient in revoking his or her consent/authorization to share Sensitive Health Information.

7. This revocation may be accomplished through the use of a paper form, or through the use of an electronic form on which the patient can affix an electronic signature. In either case, the form must be a standard Sensitive Health Information Revocation form developed and approved by the WVHIN. However, any exchange of Sensitive Health Information that occurred prior to revocation will not be reversed.

8. Participating Organizations will cooperate with the WVHIN in any attempt to electronically flag or otherwise segregate Sensitive Health Information in order to comply with a patient's expressed consent/authorization preference with respect to such information.

9. Any consent/authorization to the exchange of Sensitive Health Information of a minor child under the age of 18 through the WVHIN may only be signed by the minor. A parent or legal guardian may not express the consent/authorization of a minor child for purposes of disclosing Sensitive Health Information through the WVHIN.

10. The Participating Organization will permanently retain copies of all signed Sensitive Health Information Consent/Authorization and Revocation forms in the patient's record.

11. Any Participating Organization that receives Sensitive Health Information in response to a Query must refrain from re-disclosing such information to third parties without the patient's further consent.

12. A Participating Organization will not deny care to any patient who elects not to provide his or her consent to share Sensitive Health Information through the WVHIN for all Permissible Purposes.

C. WVHIN Procedures

1. The WVHIN will supply its Participating Organizations with paper copies of all standard Sensitive Health Information Consent/Authorization and Revocation forms, and make electronic versions of these forms available on the WVHIN network.

2. The WVHIN will offer Participating Organizations the ability to electronically record and maintain each patient's consent preferences with respect to Sensitive Health Information.

3. The WVHIN will share Sensitive Health Information in response to a Query from a Participating Organization only if:

1. A Participating Organization must exclude all Drug or Alcohol Information of a Federally-Assisted Treatment Program from being disclosed through the WVHIN for all Permissible Purposes except Emergency Treatment and Quality Control. Before a Participating Organization may share such information through the WVHIN for any other Permissible Purpose, the requesting Participating Organization must certify electronically to the WVHIN that it has a copy of the patient's signed consent/authorization on a standard Sensitive Health Information Consent/Authorization form developed and approved by the WVHIN. An electronic copy of the consent/authorization must be included with the Query submitted by the Participating Organization seeking access to the Drug or Alcohol Information for purposes other than Emergency Treatment and Quality Control. The Participating Organization making the disclosure through the WVHIN for Emergency Treatment must document the recipient, date, time, and nature of any disclosure in the patient's record.

2. A Participating Organization must exclude all Mental Health Information from being disclosed through the WVHIN for all Permissible Purposes except Treatment and Emergency Treatment. Before a Participating Organization may share such information through the WVHIN for any other Permissible Purpose, the requesting Participating Organization must certify electronically to the WVHIN that it has a copy of the patient's signed consent/authorization on a standard Sensitive Health Information Consent/Authorization form developed and approved by the WVHIN. An electronic copy of the consent/authorization must be included with the Query submitted by the Participating Organization seeking access to the Mental Health Information for purposes other than Treatment and Emergency Treatment.

3. A Participating Organization must exclude all Psychotherapy Notes from being disclosed through the WVHIN for all Permissible Purposes. Before a Participating Organization may share such information through the WVHIN for any Permissible Purpose, the requesting Participating Organization must certify electronically to the WVHIN that it has a copy of the patient's specific signed consent/authorization on a standard Sensitive Health Information Consent/Authorization form developed and approved by the WVHIN. An electronic copy of the consent/authorization must be included with the Query submitted by the Participating Organization seeking access to Psychotherapy Notes.

4. A Participating Organization must exclude all HIV-Related Tests from being disclosed through the WVHIN for all Permissible Purposes except Treatment, Emergency Treatment, Quality Control, and Public Health. Before a Participating Organization may share such information through the WVHIN for any other Permissible Purpose, the requesting Participating Organization must certify electronically to the WVHIN that it has a copy of the patient's signed consent/authorization on a standard Sensitive Health Information Consent/Authorization form developed and approved by the WVHIN. An electronic copy of the consent/authorization must be included with the Query submitted by the Participating Organization seeking access to the HIV-Related Test for purposes other than Treatment, Emergency Treatment, Quality Control, and Public Health.

POLICIES AND PROCEDURES	
TOPIC:	User Authorization
DOCUMENT NUMBER:	300
EFFECTIVE DATE:	

I. BACKGROUND AND PURPOSE

The purpose of this policy is to establish a process for determining which individuals are authorized to access the WVHIN's Health Information Exchange. This policy will describe how such authorization will be based upon the roles of individuals in the workplace of a Participating Organization, or as a patient who has registered his or her Personal Health Record on the WVHIN.

II. POLICY

The Health Information Exchange operated by the WVHIN offers the hope of better coordinated and higher quality health care to patients. The principles underlying a Health Information Exchange do not assume, however, that any individual who is a member of the workforce at the WVHIN, at a Business Associate of the WVHIN, or at a Participating Organization should be able to log-in to the WVHIN to access, use, and disclose Protected Health Information. This type of unrestricted access would only lead to chaos, and the ultimate disintegration of the privacy and security of Protected Health Information.

Instead, the WVHIN must strictly control access to its systems through an organized and workable system of designating Authorized Users. This system will be based upon the roles fulfilled by individuals in the workplace - at the WVHIN, at the WVHIN's Business Associates, and at Participating Organizations. This system, known as role-based access control, grants membership in roles based upon an individual's competencies and responsibilities within an organization. Access rights are grouped and limited by role name. The functions that an Authorized User is permitted to perform are also based upon an Authorized User's role. The Authorized User's role will ultimately dictate how much Protected Health Information can be made available to him or her. Except when involved in the provision of Treatment, an Authorized User should only be given access to the minimum amount of Protected Health Information necessary to perform his or her role.

The WVHIN will implement a role-based access system based upon the following four (4) roles:

- Network Administrator
- Participating Organization Administrator
- Licensed Practitioner (with prescriptive privileges)

► Licensed Clinician (without prescriptive privileges)
Office Staff

A Network Administrator will be authorized to access the WVHIN to perform any function available on the WVHIN's Health Information Exchange, including Queries. This broad scope of authority will also include the ability to perform audits and to check audit logs throughout the entire system, to establish system preferences and default settings, to run security checks, and to add or subtract system applications and programs. A very limited number of individuals will be granted this advanced level of authorization. Only those individuals who are members of the workforce of the WVHIN, or members of the workforce of a Business Associate of the WVHIN, are eligible to be designated as an Authorized User - Network Administrator.

A Participating Organization Site Administrator will be authorized to access the WVHIN to perform certain administration functions at the level of the Participating Organization. These functions will include the ability to grant and terminate Authorized User Status, to distribute and collect second factor authentication identifiers, and to perform audits and check audit logs related to access of the WVHIN from within the Participating Organization. A Participating Organization Administrator may not submit any Queries, however. A very limited number of individuals will be granted this level of authorization at each Participating Organization. Only those individuals who are members of the workforce of the Participating Organization are eligible to be designated as an Authorized User - Site Administrator.

A Licensed Practitioner will be authorized to access the WVHIN to submit Queries for Treatment, Emergency Treatment, Payment, Quality Control, and Research. In addition, a Licensed Practitioner will be authorized to perform E-Prescribing, and to submit orders and receive Results Delivery. Finally, a Licensed Practitioner may submit Public Health reports. In order to be eligible to be designated as an Authorized User - Licensed Practitioner, an individual must be a member of the workforce of a Participating Organization and licensed to provide health care items or services by the applicable West Virginia or other state board as an allopathic physician, an osteopathic physician, a dentist, an optometrist, a pharmacist, a physician assistant with prescriptive authority, an advanced nurse practitioner with prescriptive authority, or a nurse midwife with prescriptive authority.

A Licensed Clinician will be authorized to access the WVHIN to submit Queries for Treatment or Emergency Treatment. In addition, a Licensed Clinician will be authorized to submit orders and receive Results Delivery, and to submit Public Health reports. In order to be eligible to be designated as an Authorized User - Licensed Clinician, an individual must be a member of the workforce of a Participating Organization and licensed to provide health care items or services by a West Virginia board identified in Chapter 30 of the West Virginia Code, or a comparable licensing board from another state.

An Office Staff will be authorized to access the WVHIN to submit and process electronic standard transactions, and to submit Queries for Payment purposes. In order to be eligible to be designated as an Authorized User - Office Staff, an individual must be a member of the workforce of a Participating Organization whose duties include the preparation and submission of bills and any other activity involved in Payment.

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Authorized User Agreement. Copies of these Authorized User Agreements will be permanently maintained by the Participating Organization.

6. Any individual member of the Participating Organization's workforce who is not designated as an Authorized User must not be allowed to access the WVHIN for any purpose.

7. Each Participating Organization will implement a training program for its Authorized Users. This training program will include a detailed review of all Policies and Procedures maintained by the WVHIN.

8. A Licensed Practitioner or a Licensed Clinician may access the WVHIN in order to submit a Query for the Permissible Purpose of Treatment. The Licensed Practitioner or Licensed Clinician must certify that he or she has an existing Treatment relationship with the patient. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do not apply to Queries for Treatment.

9. A Licensed Practitioner or a Licensed Clinician may access the WVHIN in order to submit a Query for the Permissible Purpose of Emergency Treatment. The Licensed Practitioner or Licensed Clinician must certify that the patient suffers from a condition which poses an immediate threat to the health of the patient (for example, death or serious impairment to one or more bodily functions, organs, or parts), and which requires immediate medical intervention by him or her. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do not apply to Queries for Emergency Treatment.

10. A Licensed Practitioner or Office Staff may submit and process standard transactions, and may submit a Query for Payment purposes. The Licensed Practitioner or Office Staff must certify that the Participating Organization has an existing Treatment or Payment relationship with the patient. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do apply to Queries for Payment.

11. A Licensed Practitioner may access the WVHIN in order to submit a Query for the Permissible Purpose of Quality Control. The Licensed Practitioner must certify that he or she has an existing Treatment relationship with the patient. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do apply in Queries for Quality Control.

12. A Licensed Practitioner may access the WVHIN in order to submit a Query for the Permissible Purpose of Research. The Licensed Practitioner must certify electronically to the WVHIN that he or she is in receipt of a copy of the patient's signed consent/authorization on a standard Research Consent/Authorization form developed and approved by the WVHIN, or that a Federally Qualified Institutional Review Board has waived the need for patient consent. An electronic copy of the consent/authorization or waiver must be included with the Query submitted by the Licensed Practitioner seeking access to the Protected Health Information for Research. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do apply to Queries for Research.

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It is the responsibility of each Participating Organization to identify and verify its Authorized Users in accordance with their roles as described above. Identifying information for each Authorized User must be provided to the WVHIN so that individualized Authentication Information can be assigned and managed. A Participating Organization may include on its list of designated Authorized Users only those individuals on its workforce who require access to the WVHIN to perform their roles within the organization in Treatment, Emergency Treatment, Payment, Quality Control, Research, or Public Health. Its workforce will include employees, volunteers, and other persons whose work performance is under the direct control of the Participating Organization, regardless of whether they are paid by the Participating Organization. Its workforce does not include independent contractors or Licensed Practitioners whose only relationship to the Participating Organization is as a credentialed medical staff member, except that a Participating Organization may designate any Licensed Practitioner who provides services in its Emergency Department as an Authorized User.

A Participating Organization is responsible for updating, amending or terminating the status of its Authorized Users. This means that changes in employment as well as other changes to the status of the Participating Organization's workforce affecting one or more Authorized Users must be communicated immediately to the WVHIN. A Participating Organization Administrator must immediately and electronically amend or terminate an Authorized User's status if he or she no longer has a need to access the WVHIN on behalf of the Participating Organization.

A patient can become an Authorized User of the WVHIN only if the patient registers his or her Personal Health Record on the WVHIN.

III. PROCEDURES

A. Patient Responsibilities.

1. A patient will only be able to access the WVHIN directly as an Authorized User only if the patient registers his or her Personal Health Record on the WVHIN.

2. If a patient chooses to register his or her Personal Health Record on the WVHIN, he or she may do so in one of two ways. First, the patient may register through his or her Participating Organization. Second, the patient may register electronically by computer.

3. If a patient wants to register his or her Personal Health Record on the WVHIN through his or her Participating Organization, and in the process become an Authorized User for the purpose of his or her Personal Health Record, the patient must present a Participating Organization with at least two (2) valid forms of identification to ensure proper verification of the patient's identity.

4. Once a patient's identity has been verified by the Participating Organization, the patient will then complete the registration process to link his or her Personal Health Record to

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13. A Licensed Practitioner may access the WVHIN in order to perform E-Prescribing functions. The Licensed Practitioner must certify that he or she has an existing Treatment relationship with the patient. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do not apply to E-Prescribing.

14. A Licensed Practitioner or a Licensed Clinician may access the WVHIN in order to submit orders and receive Results Delivery, and to submit Public Health reports. The Licensed Practitioner or Licensed Clinician must certify that he or she has an existing Treatment relationship with the patient. The Policy and Procedures for Minimum Necessary (Policy and Procedure Document Number 1400) do not apply to the submission of orders and receipt of Results Delivery, but do apply to Public Health reports.

15. A Participating Organization or an Authorized User must immediately report any violation of this User Authorization Policy to the WVHIN. Contemporaneous with such report, the Participating Organization's Site Administrator will lock out the Authorized User in question from the WVHIN. This lock out will be terminated after the nature of the violation has been investigated and remedial steps have been taken by the WVHIN or the Participating Organizations to ensure future compliance with this Policy.

16. A Participating Organization is responsible for keeping its list of Authorized Users up-to-date and current. This means that changes in employment as well as other changes to the status of the workforce affecting an Authorized User of a Participating Organization must be communicated immediately to the WVHIN. Contemporaneous with such communication, the Participating Organization's Site Administrator will lock out the former Authorized User in question from the WVHIN.

17. A Participating Organization's Site Administrator must immediately and electronically amend or terminate an Authorized User's status if it determines that an Authorized User's status has changed, or an Authorized User no longer has a need to access the WVHIN on behalf of the Participating Organization.

18. A Participating Organization and its Site Administrator will be wholly responsible for maintaining an appropriate and up-to-date list of its Authorized Users.

C. WVHIN Responsibilities.

1. The WVHIN will provide outreach, educational materials, and where requested, technical assistance to Business Associates and Participating Organizations in the training of its Authorized Users to ensure compliance with all Policies and Procedures maintained by the WVHIN.

2. The WVHIN must properly designate a list of Authorized Users from its workforce in accordance with this Policy and Procedures for User Authorization.

the WVHIN, including the execution of a Personal Health Record Agreement. This registration process may be accomplished with paper forms signed by the patient manually, or with an electronic form signed by the patient electronically.

5. Alternatively, a patient may register his or her Personal Health Record through an electronic process available to patients on-line at a website maintained by the WVHIN. This on-line process will be designed by the WVHIN to elicit more than sufficient Personal Demographic Information from the patient to verify his or her identity. This verification process must be as robust as those utilized to process standard financial transactions over the internet.

B. Participating Organization Responsibilities.

1. Before a Participating Organization can designate its Authorized Users to the WVHIN, the Participating Organization must first execute a Participating Organization Agreement with the WVHIN.

2. After executing a Participating Organization Agreement, the Participating Organization must properly verify and designate a list of its Authorized Users from its workforce in accordance with this Policy. Each individual Authorized User must be designated by role as a Site Administrator, Licensed Practitioner, Licensed Clinician, or Office Staff.

3. For each Authorized User designated by a Participating Organization, the Participating Organization will provide the WVHIN with the following information:

- full name, including first, middle, and last name, and any professional designation such as M.D., D.O., D.D.S., etc;
- last five (5) digits of the Social Security number;
- date of birth;
- physical address, including street number, suite or apartment number, post office box, city, and state; and
- Internet Protocol (IP) address at the Participating Organization.

4. A Participating Organization may include on its list of designated Authorized Users only those individuals on its workforce who require access to the WVHIN to perform their roles within the organization in Treatment, Emergency Treatment, Payment, Quality Control, Research, or Public Health.

5. A Participating Organization must require each Authorized User to execute an Authorized User Agreement developed and approved by the WVHIN which will govern his or her use of the WVHIN. When submitting its list of Authorized Users to the WVHIN, a Participating Organization must certify that each listed Authorized User has executed an

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3. In addition, the WVHIN must require any of its Business Associates and Participating Organizations to properly designate a list of Authorized Users from their respective workforces in accordance with this Policy and Procedures for User Authorization.

4. The WVHIN will deny access to its Health Information Exchange to any Business Associate until the WVHIN is in receipt of an executed Business Associate Agreement developed and approved by the WVHIN.

5. The WVHIN will deny access to its Health Information Exchange to any Participating Organization until the WVHIN is in receipt of an executed Participating Organization Agreement developed and approved by the WVHIN.

6. The WVHIN must necessarily rely upon the role based access designations made by its Business Associates and Participating Organizations for Authorized Users.

7. Upon receipt of a Query from a Licensed Practitioner or Licensed Clinician for the Permissible Purpose of Treatment, the WVHIN will provide the following message before Protected Health Information is shared: "You may use and disclose this information for Treatment of the patient identified in your Query and for no other purpose. Your access to this Protected Health Information for Treatment is subject to audit and review."

8. Upon receipt of a Query from a Licensed Practitioner or Licensed Clinician for the Permissible Purpose of Payment, the WVHIN will provide the following message before Protected Health Information is shared: "You may use and disclose this information for the Emergency Treatment of the patient identified in your Query and for no other purpose. Your access to this Protected Health Information for Treatment is subject to audit and review."

9. Upon receipt of a Query from a Licensed Practitioner or Office Staff for the Permissible Purpose of Payment, the WVHIN will provide the following message before Protected Health Information is shared: "You may use and disclose this information for Payment purposes associated with the patient identified in your Query and for no other purpose. Your access to this Protected Health Information for Payment is subject to audit and review."

10. Upon receipt of a Query from a Licensed Practitioner for the Permissible Purpose of Quality Control, the WVHIN will provide the following message before Protected Health Information is shared: "You may use and disclose this information for Quality Control purposes as identified in your Query and for no other purpose. Your access to this Protected Health Information for Quality Control is subject to audit and review."

11. Upon receipt of a Query from a Licensed Practitioner for the Permissible Purpose of Research containing the required Research Consent/Authorization form or waiver from a Federally Qualified Institutional Review Board, the WVHIN will provide the following message before Protected Health Information is shared: "You may use and disclose this information for Research purposes as identified in your Query and for no other purpose. Your access to this Protected Health Information for Research is subject to audit and review."

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12. The WVHIN will lock out any of its or its Business Associates' Authorized Users who is reported to have violated this Policy. This lock out will be terminated after the nature of the violation has been investigated and remedial steps have been taken by the WVHIN or the Business Associate to ensure future compliance with this Policy.

13. The WVHIN will maintain an up-to-date record of all Authorized Users who may access the WVHIN based upon information provided by its Business Associates and Participating Organizations.

14. The WVHIN reserves the right to terminate any other individual's status as an Authorized User for good cause, including but not limited to, any fraudulent activity or other activity that constitutes a repeated and ongoing violation or abuse of this Policy.

15. The WVHIN will automatically lock out an Authorized User if he or she has not accessed the WVHIN at any time during the prior thirty (30) days.

POLICIES AND PROCEDURES

TOPIC: User Authentication

DOCUMENT NUMBER: 400

EFFECTIVE DATE:

OTHER

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe the process of proving, confirming, and validating that an individual is who he or she claims to be when accessing the WVHIN's Health Information Exchange as an Authorized User. This process is known as authentication.

II. POLICY

All Authorized Users must be authenticated prior to accessing Protected Health Information through the WVHIN. The establishment of a functional set of authentication procedures is essential to ensuring that Protected Health Information is not illegitimately accessed by an unauthorized individual.

It is anticipated that the following individuals may become an Authorized User:

- ▶ patients (if registered for a Personal Health Record that is offered directly by the WVHIN)
- ▶ workforce members of any Participating Organization
- ▶ workforce members of the WVHIN
- ▶ workforce members of the WVHIN's Business Associates

Before any of the above individuals may be granted access to the WVHIN, they must be properly designated as an Authorized User under the Policy and Procedures for User Authorization (see Policy and Procedure Document Number 300).

The WVHIN will use a combination of operational practices and technological solutions to authenticate any Authorized User. To optimize the privacy and security of its Health Information Exchange, the WVHIN will require two-factor authentication. Two-factor authentication means the use of two (2) independent methods of authentication for each Authorized User. One factor will be based upon something that an Authorized User knows (password). A second factor will be based upon something that the Authorized User has (magnetic card, smart card, wireless token) or something related to whom the Authorized User is (electronic signature, fingerprint, retinal scan). An Authorized User will have to utilize both factors in order to be authenticated by, and thereby granted access to, by the WVHIN. Strict controls must be placed upon the use of these authentication factors, also known as

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7. A patient's must change his or her password every six (6) months to ensure ongoing security. A patient will be reminded of this change to his or her password automatically by the WVHIN.

8. The WVHIN will provide the patient with his or her second factor authentication identifier via mail.

9. A patient must complete the two-factor authentication process each time he or she accesses the Personal Health Record on the WVHIN. After three (3) consecutive failed log-in attempts, a patient will be locked out of his or her Personal Health Record. This lock out will be terminated only after the patient's identity is verified and his or her password is reset by the WVHIN. A patient is responsible for maintaining the privacy and security of his or her Authentication Information.

10. A patient must immediately report any violation of this User Authentication Policy, the loss or misuse of his or her Authentication Information, or any other suspicious activity involving an unauthorized individual, to the WVHIN. After such report, the WVHIN will lock out the patient in question from his or her Personal Health Record. This lock-out will be terminated after the identity of the patient is verified, his or her password is reset, and if necessary, a new second factor authentication identifier is mailed to the patient.

B. Participating Organization Procedures

1. A Participating Organization must validate the identity of any patient who is seeking to register a Personal Health Record on the WVHIN. If the Participating Organization does not have personal knowledge of the patient's identity, at least two (2) valid forms of identification must first be reviewed by the Participating Organization. Absent either personal knowledge or at least two (2) valid forms of identification, a patient cannot register a Personal Health Record on the WVHIN.

2. Before a Participating Organization may obtain Authentication Information on behalf of its Authorized Users from the WVHIN, it must first execute a Participating Organization Agreement.

3. After executing a Participating Organization Agreement, the Participating Organization must properly designate a list of its Authorized Users from its workforce in accordance with the Policy and Procedures for User Authorization (see Policy and Procedure Document Number 300).

4. Once an individual has been designated as an Authorized User by a Participating Organization, the WVHIN will provide the Authorized User with his or her second factor authentication identifier through the Participating Organization's Site Administrator.

5. Once designated as an Authorized User, the Authorized User will be required select a password. This password will be considered a robust password, meaning that it must

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consist of at least eight (8) characters, including at least one upper case letter, at least one lower case letter, at least one symbol, and at least one number

6. An Authorized User must change his or her password every six (6) months to ensure ongoing security. An Authorized User will be reminded of this change to his or her password automatically by the WVHIN.

7. An Authorized User must complete the two-factor authentication process each time he or she accesses the WVHIN. After three (3) consecutive failed log-in attempts, an Authorized User will be locked out of the WVHIN. This lock out will be terminated only after the Authorized User's identity is verified and his or her password is reset by the WVHIN.

8. An Authorized User cannot share his or her Authentication Information with any other individual.

9. A Participating Organization or Authorized User must immediately report any violation of this User Authentication Policy, a loss or misuse of any Authorized User's Authentication Information, or other suspicious activity involving any unauthorized individual, to the WVHIN. Contemporaneous with such report, the Participating Organization's Site Administrator will lock out the Authorized User in question from the WVHIN. This lock out will be terminated after the identity of the Authorized User is verified, his or her password is reset, and, if necessary, a new second factor authentication identifier is supplied to the Authorized User.

10. A Participating Organization is responsible for keeping its list of Authorized Users up-to-date and current. This means that changes in employment as well as other changes to the status of the workforce affecting an Authorized User of a Participating Organization must be communicated immediately to the WVHIN. Contemporaneous with such report, the Participating Organization's Site Administrator will lock out the former Authorized User in question from the WVHIN.

11. A Participating Organization's Site Administrator must immediately and electronically amend or terminate an Authorized User's status if he or she determines that an Authorized User's status has changed, or an Authorized User no longer has a need to access the WVHIN on behalf of the Participating Organization.

12. A Participating Organization and its Site Administrator will be wholly responsible for maintaining an appropriate and up-to-date list of its Authorized Users.

C. WVHIN Procedures

1. The WVHIN will provide a second authentication factor by mail to any patient who has been properly registered to maintain his or her Personal Health Record on the WVHIN.

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Authentication Information, which must not be shared with any other individual besides the Authorized User to whom they are assigned by the WVHIN.

The status of an Authorized User can change. The WVHIN must rely upon its Participating Organizations and contractors to immediately update the WVHIN so that Authorized User status can be terminated or amended, as necessary. Similarly, the WVHIN must rely upon its Participating Organizations and Business Associates to educate and oversee their workforce to ensure that this User Authentication Policy is consistently followed. Any and all violations must be reported to the WVHIN so that appropriate safeguards can be taken to eliminate or mitigate the possibility of access to the WVHIN by any unauthorized individual.

III. PROCEDURES

A. Patient Procedures

1. A patient will only be able to access the WVHIN directly if he or she registers a Personal Health Record on the WVHIN.

2. If a patient chooses to register his or her Personal Health Record on the WVHIN, he or she may do so in one of two ways. First, the patient may register through his or her Participating Organization. Second, the patient may register electronically by computer.

3. If a patient wants to register his or her Personal Health Record on the WVHIN, and in the process become an Authorized User for the purpose of his or her own Personal Health Record, the patient must present a Participating Organization with at least two (2) valid forms of identification to ensure proper verification of the patient's identity.

4. Once a patient's identity has been verified by the Participating Organization, the patient will then complete the registration process to link his or her Personal Health Record to the WVHIN, including the execution of a Personal Health Record Agreement. This registration process may be accomplished with paper forms signed by the patient manually, or with an electronic form signed by the patient electronically.

5. Alternatively, a patient may register his or her Personal Health Record through an electronic process available to patients on-line at a website maintained by the WVHIN. This on-line process will be designed by the WVHIN to elicit more than sufficient Personal Demographic Information from the patient to verify his or her identity. This verification process must be as robust as those utilized to process standard financial transactions over the internet.

6. Once registered, the patient will be required select a password. This password will be considered a robust password, meaning that it must consist of at least eight (8) characters, including at least one upper case letter, at least one lower case letter, at least one symbol, and at least one number

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2. The WVHIN must properly designate a list of Authorized Users from its workforce in accordance with the Policy and Procedures for User Authorization (see Policy and Procedure Document Number 300).

3. In addition, the WVHIN must require any of its Business Associates and Participating Organizations to properly designate a list of Authorized Users from their respective workforces in accordance with the Policy and Procedures for User Authorization (see Policy and Procedure Document Number 300).

4. Once designated as an Authorized User, the Authorized User will be required select a password. This password will be considered a robust password, meaning that it must consist of at least eight (8) characters, including at least one upper case letter, at least one lower case letter, at least one symbol, and at least one number

5. An Authorized User must change his or her password every six (6) months to ensure ongoing security. An Authorized User will be reminded of this change to his or her password automatically by the WVHIN.

6. The WVHIN will also provide all such Authorized Users with his their second factor authentication identifier through either the Network Administrator or the Site Administrator, as appropriate.

7. The WVHIN will maintain an encrypted database of all passwords and previous passwords that have been utilized by Authorized Users. The WVHIN must ensure that all second factor authentication identifiers are delivered securely to the Authorized User.

8. The WVHIN will deny access to its Health Information Exchange to any Authorized User who does not complete the two factor authentication process. The WVHIN will lock out any Authorized User who fails three (3) consecutive log-in attempts with the WVHIN. This lock out will be terminated only after the Authorized User's identity is verified and his or her password is reset by the WVHIN.

9. The WVHIN will lock out any of its or its Business Associate's Authorized Users who is reported to have violated this Policy, who loses or misuses his or her Authentication Information, or who is the victim of suspicious activity involving any unauthorized individual. This lock out will be terminated only after the identity of the Authorized User has been verified, his or her password reset, and, if necessary, a new second factor authentication identifier is provided to the Authorized User.

10. The WVHIN will maintain up-to-date record of all Authorized Users who may access the WVHIN based upon information provided by its Business Associates and Participating Organizations.

11. The WVHIN reserves the right to terminate any other individual's status as an Authorized User for good cause, including but not limited to, any fraudulent activity or other activity that constitutes a repeated and ongoing violation or abuse of this Policy.

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12 The WVHIN will automatically lock out an Authorized User if he or she has not accessed the WVHIN at any time during the prior thirty (30) days.

POLICIES AND PROCEDURES	OTHER
TOPIC: Patient Access to Protected Health Information	
DOCUMENT NUMBER: 700	
EFFECTIVE DATE:	

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe the role of the WVHIN in ensuring that patients may seek access to their own Protected Health Information.

II. POLICY

Both federal and state laws require that patients be provided with access to their own Protected Health Information, absent certain exceptions provided by these laws. Under the HIPAA Privacy Standards, this right of access applies to any Designated Record Set maintained by a Covered Entity, including a health care provider, health plan, or health care clearinghouse. A Designated Record Set simply means any grouping of medical or billing records used to make Treatment or Payment decisions about a patient. Under West Virginia law, this right of access applies to records maintained by any licensed, certified, or registered health care provider.

The WVHIN is neither a Covered Entity nor a licensed, certified, or registered health care provider. It is not contemplated that the WVHIN will act as a depository of a Designated Record Set containing Protected Health Information for or on behalf of any of its Participating Organizations, but will instead facilitate the exchange of Protected Health Information between Participating Organizations for one or more Permissible Purposes. Participating Organizations are the originators of the Protected Health Information, and are the legal owners of the Designated Record Sets in which this information resides. As such, the Participating Organization whose Designated Record Set is being sought by a patient is the only organization that can logically evaluate the request and determine whether access may be granted.

For example, under the HIPAA Privacy Standards, patient access to his or her Protected Health Information may be denied if it is determined that such access is reasonably likely to endanger the life or physical safety of, or cause substantial harm to, the patient or another person. Only the Participating Organization can make such a determination. Access may also be denied to Psychotherapy Notes, or to information compiled in reasonable anticipation of a legal proceeding.

Accordingly, if a patient makes a request to the WVHIN for access to his or her Protected Health Information, the WVHIN will forward that request in writing to the applicable Participating Organization(s) within ten (10) business days. The Participating Organization(s)

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receiving any patient's request for access. The Participating Organization must then determine whether to grant or deny the patient's request for access, and to ultimately provide the requested access.

4. The WVHIN will only populate a patient's Personal Health Record with Protected Health Information that has been determined by the applicable Participating Provider(s) to be appropriate for access by the patient in accordance with all applicable federal and state laws, and in accordance with this Policy and Procedure for Patient Access.

5. The WVHIN will allow a patient to access Protected Health Information contained in his or her Personal Health Record directly through the WVHIN after the patient has executed a Personal Health Record Agreement and been designated as an Authorized User of the WVHIN.

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will be solely responsible for making all determinations regarding the grant or denial of the request for access, and for ultimately providing such access, from its own Designated Record Set.

Should the WVHIN ever maintain a Designated Record Set containing Protected Health Information for or on behalf of a Participating Organization, the WVHIN will make that information available to the Participating Organization within ten (10) business days after receiving any patient's request for access to allow the Participating Organization to determine whether to grant or deny the patient's request for access. Again, it will ultimately be the responsibility of the Participating Organization to provide such access to the patient.

Any patient who elects to register a Personal Health Record on the WVHIN will be registered as an Authorized User under the policy and procedures for Authorization (see Policy and Procedure Document Number 300). As an Authorized User, the patient will be able to access his or her own Personal Health Record directly through the WVHIN.

III. PROCEDURES

A. Patient Responsibilities

1. A patient must direct all requests for access to his or her own Protected Health Information to the applicable Participating Organization(s), unless he or she registers a Personal Health Record with the WVHIN.

2. Any patient choosing to register a Personal Health Record on the WVHIN must execute a Personal Health Record Agreement with the WVHIN.

3. Any patient choosing to register a Personal Health Record on the WVHIN must also be registered as an Authorized User in accordance with the policy and procedures for Authorization (see Policy and Procedure Document Number 300).

4. After executing a Personal Health Record Agreement and being designated as an Authorized User of the WVHIN, a patient may access Protected Health Information contained in his or her Personal Health Record directly through the WVHIN.

5. It is the responsibility of the patient to maintain the privacy and security of any Authentication Information issued to him or her by the WVHIN to properly access his or her Personal Health Record.

B. Participating Organization Responsibilities

1. All requests for access to Protected Health Information made by or on behalf of a patient will be directed in writing to the applicable Participating Organization(s) by either the patient or by the WVHIN.

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POLICIES AND PROCEDURES
TOPIC: Patient Access to Protected Health Information
DOCUMENT NUMBER: 700
EFFECTIVE DATE:

I. BACKGROUND AND PURPOSE

The purpose of this policy is to describe the role of the WVHIN in ensuring that patients may seek access to their own Protected Health Information.

II. POLICY

Both federal and state laws require that patients be provided with access to their own Protected Health Information, absent certain exceptions provided by these laws. Under the HIPAA Privacy Standards, this right of access applies to any Designated Record Set maintained by a Covered Entity, including a health care provider, health plan, or health care clearinghouse. A Designated Record Set simply means any grouping of medical or billing records used to make Treatment or Payment decisions about a patient. Under West Virginia law, this right of access applies to records maintained by any licensed, certified, or registered health care provider.

The WVHIN is neither a Covered Entity nor a licensed, certified, or registered health care provider. It is not contemplated that the WVHIN will act as a depository of a Designated Record Set containing Protected Health Information for or on behalf of any of its Participating Organizations, but will instead facilitate the exchange of Protected Health Information between Participating Organizations for one or more Permissible Purposes. Participating Organizations are the originators of the Protected Health Information, and are the legal owners of the Designated Record Sets in which this information resides. As such, the Participating Organization whose Designated Record Set is being sought by a patient is the only organization that can logically evaluate the request and determine whether access may be granted.

For example, under the HIPAA Privacy Standards, patient access to his or her Protected Health Information may be denied if it is determined that such access is reasonably likely to endanger the life or physical safety of, or cause substantial harm to, the patient or another person. Only the Participating Organization can make such a determination. Access may also be denied to Psychotherapy Notes, or to information compiled in reasonable anticipation of a legal proceeding.

Accordingly, if a patient makes a request to the WVHIN for access to his or her Protected Health Information, the WVHIN will forward that request in writing to the applicable Participating Organization(s) within ten (10) business days. The Participating Organization(s)

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2. The applicable Participating Organization(s) will be solely responsible for determining whether to grant or deny a patient's request for access in compliance with all federal and state legal requirements.

3. If a patient is determined by the applicable Participating Organization(s) to be entitled to access to some or all of his or her Protected Health Information, then the applicable Participating Organization(s) will be solely responsible for timely providing the required access to the patient.

4. The actual provision of access by the Participating Organization(s) must be accomplished in compliance with all federal and state legal requirements, including but not limited to, the following requirements of the HITECH Act and its implementing regulations:

- If the Protected Health Information that is the subject of a request for access is maintained in one or more Designated Record Sets electronically, and the patient requests an electronic copy of this information, then the Participating Organization(s) must provide the patient with access in a readable electronic form and format agreeable to the patient; and
- If the patient's request for access directs the Participating Organization(s) to transmit a copy of the Protected Health Information directly to another person designated by the patient, then the Participating Organization(s) must provide a copy of the information to the designated person.

5. When a patient registers a Personal Health Record on the WVHIN, each Participating Organization will handle a patient's request to transfer his or her Protected Health Information from the Participating Organization's Designated Record Set to the Personal Health Record in the same manner as any other request for access by a patient.

C. WVHIN Responsibilities

1. The WVHIN will not directly provide a patient with access to his or her own Protected Health Information, unless he or she registers a Personal Health Record with the WVHIN.

2. Any request for patient access to Protected Health Information made to the WVHIN will be forwarded in writing to the applicable Participating Organization(s) within ten (10) business days for handling. The WVHIN will notify the patient with the following message: "Your request to access your own medical records has been sent to your health care provider/plan. Your health care provider/plan will process this request, not the WVHIN, and any questions that you may have should be addressed to that provider/plan."

3. Should the WVHIN ever maintain a Designated Record Set containing Protected Health Information for or on behalf of a Participating Organization, the WVHIN will make that information available to the Participating Organization within ten (10) business days after

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will be solely responsible for making all determinations regarding the grant or denial of the request for access, and for ultimately providing such access, from its own Designated Record Set.

Should the WVHIN ever maintain a Designated Record Set containing Protected Health Information for or on behalf of a Participating Organization, the WVHIN will make that information available to the Participating Organization within ten (10) business days after receiving any patient's request for access to allow the Participating Organization to determine whether to grant or deny the patient's request for access. Again, it will ultimately be the responsibility of the Participating Organization to provide such access to the patient.

Any patient who elects to register a Personal Health Record on the WVHIN will be registered as an Authorized User under the policy and procedures for Authorization (see Policy and Procedure Document Number 300). As an Authorized User, the patient will be able to access his or her own Personal Health Record directly through the WVHIN.

III. PROCEDURES

A. Patient Responsibilities

1. A patient must direct all requests for access to his or her own Protected Health Information to the applicable Participating Organization(s), unless he or she registers a Personal Health Record with the WVHIN.

2. Any patient choosing to register a Personal Health Record on the WVHIN must execute a Personal Health Record Agreement with the WVHIN.

3. Any patient choosing to register a Personal Health Record on the WVHIN must also be registered as an Authorized User in accordance with the policy and procedures for Authorization (see Policy and Procedure Document Number 300).

4. After executing a Personal Health Record Agreement and being designated as an Authorized User of the WVHIN, a patient may access Protected Health Information contained in his or her Personal Health Record directly through the WVHIN.

5. It is the responsibility of the patient to maintain the privacy and security of any Authentication Information issued to him or her by the WVHIN to properly access his or her Personal Health Record.

B. Participating Organization Responsibilities

1. All requests for access to Protected Health Information made by or on behalf of a patient will be directed in writing to the applicable Participating Organization(s) by either the patient or by the WVHIN.

OTHER

2. The applicable Participating Organization(s) will be solely responsible for determining whether to grant or deny a patient's request for access in compliance with all federal and state legal requirements.

3. If a patient is determined by the applicable Participating Organization(s) to be entitled to access to some or all of his or her Protected Health Information, then the applicable Participating Organization(s) will be solely responsible for timely providing the required access to the patient.

4. The actual provision of access by the Participating Organization(s) must be accomplished in compliance with all federal and state legal requirements, including but not limited to, the following requirements of the HITECH Act and its implementing regulations:

(i) If the Protected Health Information that is the subject of a request for access is maintained in one or more Designated Record Sets electronically, and the patient requests an electronic copy of this information, then the Participating Organization(s) must provide the patient with access in a readable electronic form and format agreeable to the patient; and

(ii) If the patient's request for access directs the Participating Organization(s) to transmit a copy of the Protected Health Information directly to another person designated by the patient, then the Participating Organization(s) must provide a copy of the information to the designated person.

5. When a patient registers a Personal Health Record on the WVHIN, each Participating Organization will handle a patient's request to transfer his or her Protected Health Information from the Participating Organization's Designated Record Set to the Personal Health Record in the same manner as any other request for access by a patient.

C. WVHIN Responsibilities

1. The WVHIN will not directly provide a patient with access to his or her own Protected Health Information, unless he or she registers a Personal Health Record with the WVHIN.

2. Any request for patient access to Protected Health Information made to the WVHIN will be forwarded in writing to the applicable Participating Organization(s) within ten (10) business days for handling. The WVHIN will notify the patient with the following message: "Your request to access your own medical records has been sent to your health care provider/plan. Your health care provider/plan will process this request, not the WVHIN, and any questions that you may have should be addressed to that provider/plan."

3. Should the WVHIN ever maintain a Designated Record Set containing Protected Health Information for or on behalf of a Participating Organization, the WVHIN will make that information available to the Participating Organization within ten (10) business days after

receiving any patient's request for access. The Participating Organization must then determine whether to grant or deny the patient's request for access, and to ultimately provide the requested access.

4. The WVHIN will only populate a patient's Personal Health Record with Protected Health Information that has been determined by the applicable Participating Provider(s) to be appropriate for access by the patient in accordance with all applicable federal and state laws, and in accordance with this Policy and Procedure for Patient Access.

5. The WVHIN will allow a patient to access Protected Health Information contained in his or her Personal Health Record directly through the WVHIN after the patient has executed a Personal Health Record Agreement and been designated as an Authorized User of the WVHIN.

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POLICIES AND PROCEDURES	
TOPIC: Minimum Necessary	
DOCUMENT NUMBER: 1400	
EFFECTIVE DATE:	

I. BACKGROUND AND PURPOSE

The purpose of this policy is to establish when it is appropriate that a request, use, or disclosure of Protected Health Information must be limited to the Minimum Necessary to accomplish the intended purpose of the request, use, or disclosure.

II. POLICY

The concept of "Minimum Necessary" is derived from the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and its Privacy Rules set forth at 42 C.F.R. Part 164, Subpart E. Minimum Necessary represents a fundamental and common-sense limitation upon the disclosure of Protected Health Information. It essentially means that when requesting, using, or disclosing Protected Health Information, a Covered Entity under HIPAA or a Business Associate must make reasonable efforts to limit the amount of Protected Health Information to the Minimum Necessary to accomplish the intended purpose of the request, use, or disclosure. This concept of Minimum Necessary clearly applies to the WVHIN and its Participating Organizations. It is therefore essential that procedures be established under the WVHIN's Health Information Exchange to facilitate compliance with the Minimum Necessary rule.

There are a few major exceptions to the Minimum Necessary rule. The most significant exception involves any disclosure to assist in the Treatment of patients. Hence, the Minimum Necessary rule does not apply to Treatment or Emergency Treatment. The Minimum Necessary rule also does not apply to any disclosure to a patient of his or her own Protected Health Information, as in the establishment and maintenance of a Personal Health Record. Similarly, it does not apply to any disclosure made pursuant to a HIPAA-compliant consent or authorization form signed by the patient. However, the Minimum Necessary rule does apply to requests, uses, or disclosures of Protected Health Information for Payment, Quality Control, Public Health, or Research (at least in the absence of a specific and signed patient consent/authorization form).

The Minimum Necessary rule must work in close coordination with the policy and procedures for User Authorization (Policy and Procedure Document Number 300), and the role based access control principles enunciated there. In order to properly address the Minimum Necessary rule, workforce members may be limited in their access to Protected Health Information to the Minimum Necessary based upon their role and need for such data within the organization.

No attempt will be made to impose the Minimum Necessary rule upon any Query for Treatment or Emergency Treatment. This also includes any Protected Health Information shared in E-Prescribing and in Results Delivery.

The WVHIN will implement protocols within its Health Information Exchange under which routine and recurring Queries for Payment or Quality Control will elicit only limited data fields of Protected Health Information to comply with the Minimum Necessary rule. In the case of a Query for Payment, the protocol to be implemented by the WVHIN will comply with industry standards designed to limit the amount of Protected Health Information to be included in the submission and processing of claims and other standard transactions. In the case of a Query for Quality Control, the protocol to be implemented by the WVHIN will be based upon a Limited Data Set that excludes a number of direct identifiers, including name, address, telephone number, email address, Social Security number, etc., or where possible, upon totally Deidentified data.

Should a Participating Organization require more information in response to a Query for Payment or Quality Control than is provided by these limited data fields, it must seek to override the WVHIN-imposed Minimum Necessary protocol. It can do so by certifying its need for more complete disclosure by submitting a Minimum Necessary Override request through the WVHIN. Because the Health Information Technology for Clinical and Economic Health ("HITECH") Act places the ultimate obligation upon the Participating Organization which is disclosing Protected Health Information to determine what constitutes the Minimum Necessary, the disclosing Participating Organization may allow or deny the Minimum Necessary Override request based upon its own reasoned judgment. A Minimum Necessary Override request is one of the few situations under the WVHIN that cannot be handled through automation. There will instead have to be an independent request and response between two (2) Participating Organizations.

In the case of Public Health reporting, the WVHIN will cooperate with federal and state agencies in establishing and implementing protocols within its Health Information Exchange that contain data fields of Protected Health Information as designated under law. These Public Health protocols will be designed to provide only the Minimum Necessary amount of Protected Health Information for a Participating Organization to comply with its legal reporting obligation, and nothing more.

Finally, in the case of a Query for Research, such disclosure must comply with the Minimum Necessary rule. However, such Query will be usually governed by a Research Consent/Authorization form developed and approved by the WVHIN, or by a consent/waiver approved by a Federally Qualified Institutional Review Board. As such, only the Protected Health Information authorized for disclosure by either of these documents may be shared through the WVHIN.

III. PROCEDURES

A. Patient Responsibilities

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1. The Minimum Necessary rule does not apply to any disclosure to a patient of his or her own Protected Health Information, as in the establishment and maintenance of a Personal Health Record.

2. The Minimum Necessary rule does not apply to any disclosure of Protected Health Information made pursuant to a HIPAA-compliant consent or authorization form signed by a patient.

B. Participating Organization Responsibilities

1. When submitting a Query for the Permissible Purpose of Treatment or Emergency Treatment, a Participating Organization will not be subject to the Minimum Necessary rule.

2. When submitting a Query for the Permissible Purpose of Payment or Quality Control, a Participating Organization must comply with the Minimum Necessary rule.

3. In the event a Participating Organization may require additional Protected Health Information for the Permissible Purpose of Payment or Quality Control than has been made available under the WVHIN's Minimum Necessary protocols, the Participating Organization may certify its need for additional information by submitting a Minimum Necessary Override request.

4. A Minimum Necessary Override request should not be submitted routinely by a Participating Organization for Payment or Quality Control. Such a request must only be submitted when the requesting Participating Organization has a genuine need for additional Protected Health Information to accomplish the intended purpose of the Query.

5. Upon receipt of a Minimum Necessary Override request, the disclosing Participating Organization may allow or deny such request based upon its own reasoned judgment.

6. When submitting a Public Health report, a Participating Organization must limit its disclosure to the data fields identified in the applicable WVHIN Public Health protocol and provide only the Minimum Necessary amount of Protected Health Information needed to comply with its legal reporting obligation.

7. When submitting a Query for the Permissible Purpose of Research, a Participating organization must comply with the Minimum Necessary rule.

8. When a Query for Research is based upon either a Research Consent form signed by the patient or a consent/waiver approved by a Federally Qualified Institutional Review Board, the Participating Organization must limit its Query to only the Protected Health Information authorized for disclosure by either of these documents.

C. WVHIN Responsibilities

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1. A Query for Treatment or Emergency Treatment will be designed to elicit all Protected Health Information that may be available through the WVHIN from other Participating Organizations. However, a specific consent from the patient will be required for Drug and Alcohol Information or Psychotherapy Notes.

2. The WVHIN will not apply the Minimum Necessary rule to any Protected Health Information shared by a Participating Organization in E-Prescribing and in Results Delivery. However, a specific consent from the patient will be required for Drug and Alcohol Information or Psychotherapy Notes.

3. The WVHIN will develop standard protocols designed to elicit from its Participating Organizations only the Minimum Necessary amount of Protected Health Information in response to any Query other than for Treatment or Emergency Treatment.

4. A Query for Payment will be designed to elicit the Minimum Necessary amount of Protected Health Information available from a patient's treating or paying Participating Organization for this Permissible Purpose. This protocol will comply with industry standards for the submission and processing of claims and other standard transactions. If any kind of Sensitive Health Information is involved, a specific consent from the patient will be required.

5. A Query for Quality Control will be designed to elicit the Minimum Necessary amount of Protected Health Information available through the WVHIN for this Permissible Purpose. This protocol will take the form of either a Limited Data Set that excludes direct identifiers such as name, address, telephone number, email address, Social Security number, etc., or where possible, the form of totally Deidentified data. However, a specific consent from the patient will be required for Mental Health or Psychotherapy Notes.

6. The WVHIN will implement a manual Minimum Necessary Override process for a Participating Organization to seek to override the WVHIN's Minimum Necessary protocols for Payment and Quality Control.

7. The WVHIN must necessarily rely upon the reasoned judgment of the Participating Organization which is disclosing Protected Health Information to determine what constitutes the Minimum Necessary when the manual Minimum Necessary Override process has been invoked.

8. The WVHIN will develop standard Public Health reporting protocols designed to elicit only the Minimum Necessary amount of Protected Health Information needed to enable a Participating Organization to comply with its legal reporting obligation.

9. A Query for Research will be designed to elicit the Minimum Necessary amount of Protected Health Information consistent with either a Research Consent/Authorization form signed by the patient or a consent waiver approved by a Federally Qualified Institutional Review Board.

10. Except for the WVHIN's development of standard protocols designed to elicit only the Minimum Necessary amount of Protected Health Information in response to a Query, the WVHIN must necessarily rely upon its Participating Organizations to request, use, or disclose Protected Health Information from the WVHIN in accordance with the Minimum Necessary rule.

POLICIES AND PROCEDURES

TOPIC: Breach Notification

DOCUMENT NUMBER: 1500

EFFECTIVE DATE:

I. BACKGROUND AND PURPOSE

The purpose of this policy is to establish a notification process in compliance with the Health Information Technology for Economic and Clinical Health ("HITECH") Act for a Breach of Unsecured Protected Health Information. This notification process shall also comply with West Virginia law governing notice for breach computerized personal information.

II. POLICY

Both federal and state laws protect patients from the improper Breach of their Protected Health Information by unauthorized persons and entities. In its performance of the functions of a Health Information Exchange, the WVHIN may receive and transport a patient's Protected Health Information from one Participating Organization to another. Although the WVHIN may not be directly involved in Treatment, Payment, or any other Permissible Use of this Protected Health Information, its electronic receipt and transport of this data qualifies it under the law as a Business Associate to most, if not all, of its Participating Organizations. This status of a Business Associate places obligations upon the WVHIN if a patient's Protected Health Information should ever be the subject of a Breach when residing in or passing through its Health Information Exchange.

A Breach occurs if Protected Health Information is acquired, accessed, used, or disclosed by an unauthorized person or entity in a manner not permitted under the HIPAA Privacy Rules, and such Breach poses a significant risk of financial, reputational, or other harm to a patient. Depending upon the circumstances, the unintentional or inadvertent acquisition, access, use or disclosure of Protected Health Information in a manner that does not pose such risks does not constitute a Breach. For any potential Breach, the WVHIN must perform a risk analysis in order to determine if an actual Breach of a patient's Protected Health Information has, in fact, occurred. If there is no significant risk of financial, reputational, or other harm to a patient, then no notification is legally required.

In order to minimize the possibility that a Breach of Protected Health Information may occur, the WVHIN has established other policies and procedures requiring the Encryption of Protected Health Information when it is at rest and when it is in motion within its Health Information Exchange. The notification process contemplated by federal and state law applies only if the Breach involves Unsecured Protected Health Information. Unsecured Protected

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Health Information means that the Protected Health Information has not been rendered unusable, unreadable, or indecipherable by unauthorized individuals or entities through the use of Encryption or other federally-approved technology. If a Breach occurs, but the Breach does not implicate any Unsecured Protected Health Information, then no notification is legally required.

Both federal and state laws require a notification to be made if there is a Breach of Unsecured Protected Health Information that poses a significant risk of financial, reputational, or other harm to a patient. As a Business Associate, this notification must be made by the WVHIN to the affected Participating Organization or Organizations. The Participating Organization(s) must then notify the affected patients directly.

III. PROCEDURES

A. Patient Procedures:

None

B. Participating Organization Procedures:

1. Any Participating Organization which becomes aware of any known or suspected security incident involving the WVHIN must contact the WVHIN orally and in writing as soon as is reasonably practical, but in no event later than twenty-four (24) hours after discovery. This notification shall include sufficient information to permit the WVHIN to begin its investigation process.

2. A Participating Organization will cooperate with the WVHIN in the WVHIN's investigation of any known or suspected security incident.

3. Once a Participating Organization has received a written notice from the WVHIN that a Breach of Unsecured Protected Health Information has occurred that poses a significant risk of financial, reputational, or other harm to a patient, the Participating Organization must notify each patient affected by the Breach. This notification should be undertaken without reasonable delay, but in no event later than sixty (60) days after the date of its discovery.

4. The notice to patients must comply with the requirements of both the HITECH Act and its implementing regulations at 42 C.F.R. Part 164, Subpart D, as well as the West Virginia Code at Chapter 48A, Article 2A. Specifically, the notice must include:

- (ii) a description of what happened, including the date of the Breach and the date of its discovery, if known;
- (ii) a description of the types of Unsecured Protected Health Information that were involved in the Breach (such as whether full name, Social Security number, date of birth, home address, diagnosis, and/or other types of information were involved);

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- (iii) any steps that patients should take to protect themselves from potential harm resulting from the Breach;
- (iv) a description of what the Participating Organization and the WVHIN are doing to investigate and mitigate the Breach, and to protect against further Breaches;
- (v) a toll-free contact number and/or website address at which patients may ask questions and learn additional information; and
- (vi) the toll-free contact numbers and addresses for the three major credit reporting agencies, with information how to place a fraud alert or security freeze upon the patient's account.

5. The notification to patients must be in writing, in plain language, and mailed by first class mail to the patient's last known address. If the patient is deceased, the notification must be sent to the deceased's personal representative. If the patient has agreed to receive notices from the Participating Organization electronically, the notice may be sent to the patient by electronic mail in lieu of first class mail.

6. If the Participating Organization has insufficient or out-of-date contact information that precludes written notification to affected patients by first class mail or electronic mail, a method of substitute notice must be identified and utilized. This substitute notice can take the form of either a conspicuous posting for a period of ninety (90) days on the Participating Organization's website, or a conspicuous notice in major print or broadcast media within its geographic area. This substituted notice must include a toll-free telephone number where a patient can learn whether he or she has been affected by the Breach. This toll-free telephone number must remain active for at least ninety (90) days.

7. In any case which requires urgency due to the possible imminent misuse of Unsecured Protected Health Information, the Participating Organization may elect to provide notification by telephone or other means, as appropriate, to the affected patients in addition to the other notice requirements in these procedures.

8. In the case of a Breach of Unsecured PHI involving more than five hundred (500) patients that poses a significant risk of financial, reputational, or other harm, in addition to the notification requirements described above, the Participating Organization must notify prominent media outlets serving its patients within sixty (60) calendar days after discovery of the Breach. The content of this notification shall be identical to the content of the notification provided to individual patients.

9. The Participating Organization must notify the Secretary of Health and Human Services of a Breach of Unsecured PHI that poses a significant risk of financial, reputational, or other harm to a patient.

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10. If such Breach involves less than five hundred (500) patients, the Participating Organization must notify the Secretary on or before March 1st of the following year. However, if such Breach involves five hundred (500) or more patients, such notice must be provided by the Participating Organization to the Secretary contemporaneously with the notice provided to patients.

C. WVHIN Procedures:

1. The WVHIN will maintain an internal security incident reporting process designed to identify, internally report, investigate, and resolve known and suspected security incidents. All security incidents involving the WVHIN will be reported in writing to its Chief Privacy Officer, its Chief Information Officer, and its Chief Operations Officer within twenty-four (24) hours of discovery. This report may be originated by a member of the WVHIN workforce, by a member of the workforce of a contractor or Business Associate to the WVHIN, or by a Participating Organization.

2. All reports of known and suspected security incidents will be investigated by the WVHIN's Chief Privacy Officer, the Chief Information Officer, and the Chief Operations Officer to confirm its validity, to determine the facts of the incident, to identify the level of risk associated with the incident, to determine what steps are necessary to mitigate the risk of harm to patients and others, and to resolve whether the incident constitutes a Breach that must legally be reported.

3. The WVHIN will strive to complete this investigation as soon as is reasonably practical, and will always complete this process within ten (10) business days unless extraordinary circumstances prevent completion within this time frame.

4. As part of this investigation, the WVHIN will specifically investigate whether Unsecured Protected Health Information has been acquired, accessed, used, or disclosed by an unauthorized person or entity in a manner that violates the HIPAA Privacy Rules. If so, a risk analysis must then be undertaken to determine if the acquisition, access, use, or disclosure of Unsecured Protected Health Information poses a significant risk of financial, reputational, or other harm to a patient.

5. The State of West Virginia's Executive Branch Chief Privacy Officer will be notified when Unsecured Protected Health Information has been acquired, accessed, used, or disclosed by an unauthorized person or entity. The Executive Branch Chief Privacy Officer must participate in the risk analysis.

6. When Unsecured Protected Health Information has been acquired, accessed, used, or disclosed by an unauthorized person or entity, the Executive Branch Policy and Procedures governing breach notification will also apply to actions undertaken by the WVHIN.

7. For purposes of this investigation, a significant risk of financial, reputational, or other harm may be found by the WVHIN if there are facts from which one may form a reasonable belief that a patient may become the victim of harm, including but not limited to:

(11/07/12)

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OTHER

WVHIN. In determining the date of discovery, knowledge by any person involved in the perpetration of the Breach will not be considered.

13. To the extent possible, the notice to the Participating Organization must include:

- (i) the identification of each patient whose Unsecured Protected Health Information is reasonably believed to have been acquired, accessed, used, or disclosed;
- (ii) a description of what happened, including the date of the Breach and the date of its discovery, if known;
- (iii) a description of the types of Unsecured Protected Health Information that were involved in the Breach (such as whether full name, Social Security number, date of birth, home address, diagnosis, and/or other types of information were involved);
- (iv) any steps that patients should take to protect themselves from potential harm resulting from the Breach; and
- (v) a description of what the WVHIN is doing to investigate and mitigate the Breach, and to protect against further Breaches.

14. The WVHIN may delay any notification required by these procedures if a law enforcement official states to the WVHIN that such notice would impede a criminal investigation or would cause damage to national security. If this request is made by law enforcement in writing, then the WVHIN may delay notification for the period set forth in the writing. If this request is made by law enforcement orally, then the WVHIN may delay notification no longer than 30 days from the date of the oral statement, unless a written statement is subsequently submitted to the WVHIN by law enforcement.

15. After any Breach, the WVHIN will undertake a root cause analysis of the circumstances surrounding the underlying security incident, and will determine what organizational or operational changes in its system, network privacy, network security, workforce training, policies, and procedures are needed to protect against future Breaches.

16. Any member of the workforce of the WVHIN, or the workforce of any contractor to the WVHIN, who was involved or implicated in the Breach will be subject to appropriate sanctions, including possible discharge from employment.

- (i) identity theft;
- (ii) fraud;
- (iii) other financial loss;
- (iv) credit impairment;
- (v) verbal harassment or threat;
- (vi) physical harm;
- (vii) public disclosure of Protected Health Information; or
- (viii) disclosure of Sensitive Health Information to unauthorized persons or entities.

8. A Breach for reporting purposes will be deemed to have occurred if:

- (i) Unsecured Protected Health Information has been acquired, accessed, used, or disclosed by an unauthorized person, or entity in a manner that violates the HIPAA Privacy Rules; and
- (ii) such acquisition, access, use, or disclosure of Unsecured Protected Health Information poses a significant risk of financial, reputational, or other harm to a patient.

9. Once the conditions of Paragraph (i) and (ii) have been confirmed, the WVHIN must report the Breach in writing to the Participating Organization from which the Protected Health Information originated.

10. This notice to the Participating Organization must comply with the requirement for Business Associates set forth in the HITECH Act and its implementing regulations at 42 C.F.R. Part 164, Subpart D. This notification must be undertaken without unreasonable delay and as soon as possible, but in no event later than thirty (30) calendar days after the Breach was initially discovered. The WVHIN will make its staff and the Executive Branch Chief Privacy Officer available to the Participating Organization as a consultative resource.

11. The WVHIN will also provide notice of the Breach to its Board of Directors without unreasonable delay and as soon as possible, but in no event later than thirty (30) calendar days after the Breach was initially discovered.

12. A Breach shall be treated as discovered by the WVHIN as of the first day on which the underlying security incident is known by a member of the WVHIN workforce, or by exercising reasonable diligence, should have been known by a member of the workforce of the

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electronic form. A Covered Entity will have the same meaning as such term is defined in 42 C.F.R. Part 160.

Deidentify or Deidentification – means the process of rendering Protected Health Information into a form that does not identify a patient, and there is no reasonable basis to believe that the information can be used to identify a patient. In order to properly Deidentify Protected Health Information, the requirements of 42 C.F.R. Part 164 must be fully satisfied.

Designated Record Set – means any grouping of medical or billing records maintained by a Covered Entity and used to make Treatment or Payment decisions about a patient. A Designated Record Set will have the same meaning as such term is defined in 42 C.F.R. Part 164, Subpart E.

Drug or Alcohol Information – means information related to the treatment and care of a patient suffering from alcohol or drug abuse, or both, as set forth in 42 C.F.R. Part 2. It also includes any information that would specifically identify a patient as receiving drug or alcohol abuse treatment and care.

Emergency Treatment – means a condition which poses an immediate threat to the health of a patient (for example, death or serious impairment to one or more bodily functions, organs, or parts), and which requires immediate medical intervention. Emergency Treatment is a distinct subset of Treatment.

Encryption – means a technology or methodology approved by the Secretary of Health and Human Services that can render Protected Health Information unusable, unreadable, or indecipherable to unauthorized individuals or entities.

E-Prescribing – means the transmission, using electronic media, of prescription or prescription-related information between a Licensed Practitioner and a pharmacy, pharmacy benefit manager, or health plan, including any communication related to that prescription. E-Prescribing is a distinct subset of Treatment. E-Prescribing will have the same meaning as that term is defined in West Virginia Code Chapter 30, Article 5.

Federally Qualified Institutional Review Board – means any Institutional Review Board established in compliance with federal regulations for the purpose of reviewing approving human subjects scientific investigation, and for the purpose of protecting the rights and welfare of human subjects involved in such scientific investigation.

Quality Control – means quality assessment and improvement activities (including utilization review), and review and evaluation of health care practitioners, professionals, and providers (including peer review).

Health Information Exchange – means the electronic transfer of Protected Health Information between Participating Organizations for a Permissible Purpose based upon the consent preferences of patients and the requirements of federal and state law. A Health Information Exchange must be interoperable between and among its Participating Organizations.

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HIPAA – means the Health Insurance Portability and Accountability Act of 1996, and its implementing rules promulgated at 42 C.F.R. Parts 160, 162, and 164.

HIPAA Privacy Rules – means those privacy rules described in 42 C.F.R. Part 164, Subpart E, as modified and enlarged by the Health Information Technology for Economic and Clinical Health (HITECH) Act.

HITECH Act – means the Health Information Technology for Economic and Clinical Health Act of 2009, and its implementing rules promulgated at 42 C.F.R. Parts 160, 162, and 164.

HIV-Related Test – means the HIV test, the test result, and any information that would specifically identify a patient as receiving an HIV-Related Test. An HIV-Related Test will have the same meaning as that term is defined in West Virginia Code Chapter 16, Article 3C.

Licensed Clinician – means an Authorized User of the WVHIN who is a member of the workforce of a Participating Organization, and who is an individual licensed to provide health care items or services by a West Virginia board identified in Chapter 30 of the West Virginia Code, or by an equivalent board of another state.

Licensed Practitioner – means an Authorized User of the WVHIN who is a member of the workforce of a Participating Organization, and who is an individual licensed to provide health care items or services by the applicable West Virginia or other state board as an allopathic physician, an osteopathic physician, a dentist, an optometrist, a pharmacist, a physician assistant with prescriptive authority, an advanced nurse practitioner with prescriptive authority, or a nurse midwife with prescriptive authority.

Limited Data Set – means the remaining Protected Health Information of a patient after the exclusion of the following direct identifiers: names; postal address information other than city, state, and zip code; telephone numbers; fax numbers; electronic mail addresses; Social Security numbers; medical record numbers; account numbers; certification/credential numbers; vehicle license plates and serial numbers; device identifiers and serial numbers; Web Universal Resource Locators (URLs); Internet Protocol address numbers; biometric identifiers, including finger and voice prints; and full face photographic images and comparable images. Limited Data Set will have the same meaning as such term is defined in 42 C.F.R. Part 164, Subpart E.

Mental Health Information – means any information obtained in the course of treatment or evaluation of any patient suffering from a mental or behavioral disorder, including but not limited to, diagnosis and treatment information, and any information that would specifically identify a patient as receiving mental health services. Mental Health Information will have the same meaning as the term "confidential information" is defined in West Virginia Code Chapter 27, Article 3.

Minimum Necessary – means that when requesting, using, or disclosing Protected Health Information, a Covered Entity or a Business Associate must limit Protected Health Information to the minimum amount needed to accomplish the intended purpose of the request, use, or

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POLICIES AND PROCEDURES	
TOPIC:	Glossary
DOCUMENT NUMBER:	1600
EFFECTIVE DATE:	

GLOSSARY OF TERMS

Authentication Information – means the two (2) independent methods of authentication associated with each Authorized User of the WVHIN. One factor is based upon something that an Authorized User knows, such as a password. The second factor is based upon something that an Authorized User has, such as a magnetic card or token, or something related to whom the Authorized User is, such as an electronic signature or fingerprint.

Authorized User – means a member of the workforce of a Participating Organization who has been designated by that Participating Organization to access the WVHIN's Health Information Exchange as a Site Administrator, a Licensed Practitioner, a Licensed Clinician, or an Office Staff pursuant to the concept of role based access control. An Authorized User may also be a patient who has established a Personal Health Record on the WVHIN, a member of the WVHIN's workforce, or a member of the workforce of a Business Associate of the WVHIN.

Business Associate – means a person or entity performs a function, activity, or service to a health care provider, health plan, health care clearinghouse, or other Business Associate that involves the disclosure of Protected Health Information or Protected Demographic Information to the Business Associate. The WVHIN is a Business Associate to each of its Participating Organizations. A Business Associate will have the same meaning as such term is defined in 42 C.F.R. Part 160.

Business Associate Agreement – means a contract between a Covered Entity under HIPAA and a Business Associate, or between a pair of Business Associates, which obligates the Business Associate to maintain the privacy and security of Protected Health Information in accordance with the requirements of 42 C.F.R. Part 164.

Breach – means the acquisition, access, use, or disclosure of a patient's Unsecured Protected Health Information by an unauthorized person or entity in a manner not permitted under the HIPAA Privacy Rules, and such Breach poses a significant risk of financial, reputational, or other harm to a patient.

Covered Entity – means a health care provider, a Licensed Practitioner licensed under the provisions of Chapter 30 of the West Virginia Code or some equivalent law of another state, a health care clearinghouse, or any health plan that transmits any Protected Health Information in

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disclosure. Minimum Necessary will have the same meaning as such term is defined in 42 C.F.R. Part 164, Subpart E.

Minimum Necessary Override – means a request made by a Participating Organization to override a WVHIN protocol designed to limit the disclosure of Protected Health Information to the Minimum Necessary by certifying its need for additional information.

Network Administrator – means an Authorized User of the WVHIN who is a member of the workforce of either the WVHIN, or a Business Associate of the WVHIN, and who may perform any function available on the WVHIN's Health Information Exchange, including submit Queries, check audit logs throughout the system, establish preference and default settings, run security checks, and add or subtract system applications and programs.

Office Staff – means an Authorized User of the WVHIN who is a member of the workforce of a Participating Organization, and whose duties include the preparation and submission of bills and any other activity involved in Payment.

Opt-Out – means a consent process under which all patients of a Participating Organization will be automatically enrolled in a Health Information Exchange without any affirmative action by the patient. A patient who does not want to consent to the exchange of his/her Protected Health Information with other Participating Organizations must affirmatively express his/her decision to Opt-Out of the Health Information Exchange.

Participating Organization – means any health care provider, Licensed Practitioner, health care clearinghouse, or any health plan that establishes a contractual relationship with the WVHIN in accordance with the standard Participating Organization Agreement. A Participating Organization must be a Covered Entity under HIPAA, or must have a Business Associate Agreement with a Covered Entity.

Patient Notice – means a written notice prepared and approved by the WVHIN, and supplied to its Participating Organizations for distribution to patients. The Patient Notice must be provided to all patients during their first encounter with a Participating Organization after it enrolls in the WVHIN. This Patient Notice will explain the function of the WVHIN; the Permissible Purposes for which a patient's Protected Health Information may be shared with other Participating Organizations through the WVHIN; the types of Protected Health Information which may be shared with other Participating Organizations; the need for the patient's consent to share Protected Health Information for certain types of Permissible Purposes or to share certain categories of Sensitive Health Information; the potential benefits and risks of participation in the WVHIN; and the fact that a patient's participation in the WVHIN is voluntary and subject to a patient's right to Opt-Out.

Payment – means any activity undertaken to obtain or provide reimbursement for the provision of health care items or services to a patient. Payment also includes activities arising out of billing and collection, obtaining premiums for health plan coverage, determining eligibility for coverage, coordinating benefits with other health plans, performing health plan risk adjustment, reviewing medical necessity, providing prosthodontic or prosthodontic services, and other

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standard transactions. Payment will have the same meaning as such term is defined in 42 C.F.R. Part 164.

Permissible Purpose – means Treatment, Emergency Treatment, Results Delivery, E-Prescribing, Payment, Quality Control, Public Health, or Research. No Protected Health Information may be exchanged through the WVHIN unless it falls within the scope of one of these Permissible Purposes.

Personal Demographic Information – means information which may be used to individually identify a patient, but which excludes any and all clinical or health-related information. Personal Demographic Information may include, but not be limited to, the patient's name, address, Social Security number, date of birth, telephone number, or driver's license number.

Personal Health Record – means a health record that is registered by a patient with the WVHIN on his or her own behalf, and that utilizes an online platform sponsored by another organization. This Personal Health Record may be developed by gathering and consolidating Protected Health Information from many sources, including Participating Organizations of the WVHIN's Health Information Exchange.

Protected Health Information – means any information that relates to the past, present, or future physical or mental health or condition of a patient, the provision of health care items or services to the patient, and the past, present, or future payment for the provision of health care items or services to a patient. Protected Health Information also must personally identify a patient or provide a reasonable basis to believe that the information can be used to identify a patient. Protected Health Information will have the same meaning as such term is defined in 42 C.F.R. Part 160.

Public Health – means the exchange of Protected Health Information through the WVHIN to a federal or state agency for the reporting and surveillance of specified health conditions as required by law, and for the reporting of immunization data. Such reporting must contain the minimum amount of Protected Health Information or Protected Demographic Information as required by law.

Psychotherapy Notes – means notes recorded by a mental health provider documenting or analyzing the contents of a conversation by a patient during a private, group, or family counseling session, and that are separated from the rest of the patient's medical record. Psychotherapy Notes will have the same meaning as such term is defined in 42 C.F.R. Part 164.

Query – means a formal request directed by a Participating Organization to the WVHIN for the disclosure of Protected Health Information of a patient for a Permissible Purpose.

Research – means *bona fide* scientific investigation, including development, testing, and evaluation. Research must be designed to develop or contribute to generalizable knowledge about the etiology and treatment of various health care conditions and disorders.

OTHER

Results Delivery – means the exchange of Protected Health Information from one Participating Organization to another through the WVHIN in the form of test results. These test results can be from clinical laboratories, imaging providers, and other like providers. Results Delivery is a distinct subset of Treatment.

Sensitive Health Information – means the subset of Protected Health Information involving Drug or Alcohol Information, Mental Health Information, Psychotherapy Notes, and HIV-Related Tests.

Site Administrator – means an Authorized User of the WVHIN who is a member of the workforce of a Participating Organization, and who may grant and terminate Authorized User status, distribute and collect second factor authentication identifiers, and perform audits related to access of the WVHIN from within the Participating Organization.

Treatment – means the provision of health care items or services to a patient, including direct patient care as well as consultation, coordination, management, or referral of a patient between or from one Participating Organization to another. Treatment will have the same meaning as such term is defined in 42 C.F.R. Part 164. Unless stated otherwise, Treatment will include Emergency Treatment, Results Delivery, and E-Prescribing, and will be limited to the provision of health care items or services to the patient who is the subject of the information (except in the case of mother/infant).

Unsecured Protected Health Information – means Protected Health Information that has not been rendered unusable, unreadable, or indecipherable by unauthorized individuals or entities through the use of Encryption or other federally-approved technology. Unsecured Protected Health Information will have the same meaning as such term is defined in 42 C.F.R. Part 164.

West Virginia Health Information Network or WVHIN – means the public-private partnership created by West Virginia Code Chapter 29G, and which has as one of its purposes to develop an interoperable Health Information Exchange in West Virginia.

OTHER

Patty A. Hardy, Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

In re:

HIGHLAND HEALTH CENTER, INC.
HIGHLAND BEHAVIORAL HEALTH SERVICES, INC.
HIGHLAND-CLARKSBURG HOSPITAL, INC.

CON File No. 10-6-9230-BH

210 NOV 23 AM 10:00

NOTICE OF CONTINUATION OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chair of the WV Health Care Authority, wishes to announce that the proceedings previously scheduled for **December 2, 2010 at 1:30 p.m.** and **December 9, 2010 at 9:00 a.m.** for the above-noted application have been continued generally.

This application concerns the development of a behavioral health facility in Clarksburg, Harrison County, West Virginia to include inpatient psychiatric services, behavioral health residential services, psychiatric residential treatment facility services and outpatient behavioral health services.

A Prehearing Conference and Administrative Hearing will be rescheduled at a later date. A Notice of Prehearing Conference and Administrative Hearing will be issued at that time to all interested/affected parties.

If you have questions concerning this matter, please contact Tim Adkins, Director of Certificate of Need, at (304)558-7000 or toll free 1-888-558-7002.

Date: November 19, 2010

James L. Pitrolo, Jr., Chairman

cc:

Robert J. O'Neil
Dinsmore & Shohl
Post Office Box 11887
Charleston, West Virginia 25339-1887

Thomas G. Casto
Lewis, Glasser, Casey & Rollins
Post Office Box 1746
Charleston, West Virginia 25326-1746

Edward R. Hamilton
Mountain State BlueCross BlueShield
Post Office Box 1353
Charleston, West Virginia 25325

Clarice E. Hausch
West Virginia Advocate
1207 Quarrier Street
Charleston, West Virginia 25301-1842

The Honorable Natalie Tennant
Secretary of State
State Capitol Complex
Charleston, WV 25305

Rebecca L. Baker, CCR
P.O. Box 7822
Cross Lanes, WV 25356

OTHER

Pasty A. Hardy, Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

In re:

UNITED HOSPITAL CENTER, INC.

Rate Review File No. HFY11-10-46-SR

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 29B, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chair of the WV Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **December 6, 2010 at 1:30 p.m.** in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **December 10, 2010 at 9:00 a.m.** in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns United Hospital Center's standard rate for the fiscal year ending December 31, 2011.

You and any other "affected persons" as defined by W. Va. Code §16-29B-12(f) wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING UNITED HOSPITAL CENTER, INC. Page Two

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Director of Rate Review, at (304)558-7000 or toll free 1-888-558-7002.

Date: November 19, 2010

James L. Pitrolo, Jr., Chairman

OTHER

cc:

Michael S. Garrison
Spilman Thomas & Battle
Post Office Box 615
Morgantown, West Virginia 26507-0615

Robert L. Coffield
Flaherty, Sensabaugh Bonasso PLLC
Post Office Box 3843
Charleston, West Virginia 25338-3843

Robert C. Kota
Health Plan of Upper Ohio Valley
52160 National Road East
St. Clairsville, OH 43950-9365

Dennis V. Garrison, III
Office of Consumer Advocate
Post Office Box 11685
Charleston, West Virginia 25339-1685

The Honorable Natalie Tennant
Secretary of State
State Capitol Complex
Charleston, WV 25305

Rebecca L. Baker, CCR
P.O. Box 7822
Cross Lanes, WV 25356

WEST VIRGINIA HEALTH CARE AUTHORITY

2010 NOV 23 AM 9:59

SECRETARY OF STATE

IN RE: United Hospital Center, Inc.
RR FILE NO: HFY11-10-46-SR

TIME FRAME ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: December 10, 2010
Time: 9:00 a.m.
2. Prehearing conference date: December 6, 2010
Time 1:30 p.m.
3. Settlement conference (optional): _____ Time: _____
4. Motions for discovery to be filed by: November 23, 2010
5. Discovery completed on or before: November 30, 2010
Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.
6. Dispositive and preliminary motions to be filed by: December 3, 2010
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.
7. All requests for subpoenas and/or subpoenas duces tecum to be filed by:

OTHER

December 3, 2010

Inspected and approved by:



Michael S. Garrison Date
Counsel for United Hospital Center, Inc.

Robert C. Kota Date
Counsel for Health Plan of the Upper Ohio Valley




Robert L. Coffield Date
Counsel for Mountain State Blue Cross Blue Shield

Dennis Garrison Date
Director of Consumer Advocacy Division, West Virginia Department of Insurance

December 3, 2010

Inspected and approved by:

Michael S. Garrison Date
Counsel for United Hospital Center, Inc.

 11/16/10

Robert C. Kota Date
Counsel for Health Plan of the Upper Ohio Valley

Robert L. Coffield Date
Counsel for Mountain State Blue Cross Blue Shield

Dennis Garrison Date
Director of Consumer Advocacy Division, West Virginia Department of Insurance

OTHER

Done this 19th day of November, 2010.

December 3, 2010

inspected and approved by:

Michael S. Garrison Date
Counsel for United Hospital Center, Inc.

Robert C. Kota Date
Counsel for Health Plan of the Upper Ohio Valley

Robert L. Coffield Date
Counsel for Mountain State Blue Cross Blue Shield

R. J. Garrison Date
Dennis Garrison
Director of Consumer Advocacy Division, West Virginia Department of Insurance

James L. Pitrolo, Jr.
Chairman

Sonia D. Chambers
Board Member

Marilyn G. White
Board Member

WEST VIRGINIA HEALTH CARE AUTHORITY

CERTIFICATE OF NEED

100 Dee Drive
Charleston, West Virginia 25311-1600

November 29, 2010

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending November 26, 2010.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 23, 2010 – Beckley Surgery Center, Beckley, Raleigh County, CON File #10-1-9289-X/P, for the addition of one operating room and one minor procedure room to its existing ambulatory surgery center; capital expenditure: \$1,500,000.

LETTER OF INTENT FOR EXEMPTION RECEIVED FOR HOSPITAL AMBULATORY HEALTH CARE FACILITY

November 23, 2010 – Charleston Area Medical Center, Charleston, Kanawha County, CON File #10-3-9314-X, for the development of a hospital ambulatory health care facility to be located at 600 Tracy Way, Northgate Business Park in Charleston, Kanawha County. The office will be staffed by one (1) physician.

The capital expenditure associated with the project is \$2,000,000.

Any affected person may oppose this proposal by submitting a letter stating the reason for opposition within thirty (30) days of the first date of publication of the public notice to: Marianne Kapinos, General Counsel, West Virginia Health Care Authority, Certificate of Need Program, 100 Dee Drive, Charleston, West Virginia 25311-1600.

The last date upon which an affected party may file a letter of opposition to this proposal is December 26, 2010.

APPLICATION FOR EXEMPTION RECEIVED

November 22, 2010 – West Virginia University Hospitals-East, Inc., Morgantown, Monongalia County, CON File #10-9-9301-X, for the corporate restructuring involving the transfer of ownership for WVUH-East Home Health Care from WVUH-East Services, Inc. to a sister corporation, City Hospital, Inc.; no capital expenditure.

REQUEST FOR EXEMPTION DECLARED COMPLETE

November 24, 2010 – West Virginia University Hospitals-East, Inc., Morgantown, Monongalia County, CON File #10-9-9301-X, for the corporate restructuring involving the

OTHER

transfer of ownership for WVUH-East Home Health Care from WVUH-East Services, Inc. to a sister corporation, City Hospital Inc.; no capital expenditure.

PROJECT DETERMINED REVIEWABLE

November 23, 2010 – In the matter of Beckley Surgery Center, Beckley, Raleigh County, CON File #10-1-9289-X, it is ORDERED that the addition of one operating room and one minor procedure room to its existing ambulatory surgery center IS SUBJECT to CON review; capital expenditure: \$1,500,000.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.

jconley/legal notice/11 29 2010

Earl Ray Tomblin
Governor

Pasty A. Hardy, Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

OTHER

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING UNITED HOSPITAL CENTER, INC. Page Two

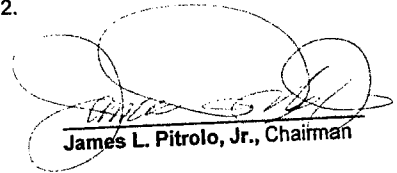
The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Director of Rate Review, at (304)558-7000 or toll free 1-888-558-7002.

Date: November 23, 2010


James L. Pitrolo, Jr., Chairman

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 29B, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chair of the WV Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **December 6, 2010 at 3:00 p.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **December 10, 2010 at 9:00 a.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns United Hospital Center's standard rate for the fiscal year ending December 31, 2011.

You and any other "affected persons" as defined by W. Va. Code §16-29B-12(f) wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

OTHER

cc:

Michael S. Garrison
Spilman Thomas & Battle
Post Office Box 615
Morgantown, West Virginia 26507-0615

Robert L. Coffield
Flaherty, Sensabaugh Bonasso PLLC
Post Office Box 3843
Charleston, West Virginia 25338-3843

Robert C. Kota
Health Plan of Upper Ohio Valley
52160 National Road East
St. Clairsville, OH 43950-9365

Dennis V. Garrison, III
Office of Consumer Advocate
Post Office Box 11685
Charleston, West Virginia 25339-1685

The Honorable Natalie Tennant
Secretary of State
State Capitol Complex
Charleston, WV 25305

Rebecca L. Baker, CCR
P.O. Box 7822
Cross Lanes, WV 25356

Earl Ray Tompkins
Governor

Patrick A. Harsh, Secretary
West Virginia Department of
Health and Human Resources



2010 DEC -1 AM 10:17

James L. Pitrolo, Jr.
Chairman

Board Members:
Sonia D. Chambers
Marilyn G. White

In re:

UNITED HOSPITAL CENTER, INC.

Rate Review File No. HFY11-10-46-SF.

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 15, Article 29B, and to Chapter 29A, Article 6, of the West Virginia Code of 1901, as amended, that James L. Pitrolo, Jr., Chair of the WV Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A **PREHEARING CONFERENCE** will be held **December 6, 2010 at 3:00 p.m.** in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

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OTHER

**NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING
UNITED HOSPITAL CENTER, INC.
Page Two**

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16 West Virginia Rules of Civil Procedures for pretrial conferences.

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PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Director of Rate Review, at (304)555-7000 or toll free 1-855-555-7002.

Date: November 23, 2010

James L. Pitroic, Jr., Chairman

cc.

Michael S. Garrison
Spilman Thomas & Battle
Post Office Box 815
Morgantown, West Virginia 26507-0815

Robert L. Doffield
Flanerty, Sansapaugh Bonassco PLLC
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Secretary of State
State Capitol Complex
Charleston, WV 25305

Rebecca L. Baker, CCR
P.O. Box 7322
Cross Lanes, WV 25355

OTHER

Earl Ray Tomblin
Governor

Pasty A. Hardy, Secretary
West Virginia Department of
Health and Human Resources



James L. Pitrolo, Jr.
Chairman

Board Members
Sortia D. Chambers
Marilyn G. White

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

December 1, 2010

NEWS ITEM

The Health Care Authority (Authority), James L. Pitrolo, Jr., Chairman, pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

November 12, 2010 – Preston Memorial Hospital, Kingwood, Preston County, CON File #10-6-9269-P, for the development of a physical therapy clinic in Bruceton Mills, Preston County; capital expenditure: \$25,000.

November 22, 2010 – Kanawha Hospice Care, Inc., Charleston, Kanawha County, CON File #10-3-9299-Y, for the development of a ten (10) bed inpatient hospice facility in leased space at Thomas Memorial Hospital, South Charleston, Kanawha County; capital expenditure: \$1,100,000.

November 30, 2010 – Cabell Huntington Hospital, Huntington, Cabell County, CON File #10-2-9305-P, for the acquisition of an existing solo physician office practice located at Teays Valley Road, Hurricane, Putnam County; capital expenditure: \$200,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

On or before **December 21, 2010**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

If the Authority concludes that the standard application should be used on any project, the review will be stopped and a new one begun using the standard application.

Also, by **January 10, 2011**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a "Notice of Public Hearing", specifying the date, time and location of the hearing, will be issued to affected persons.

100 Dee Drive • Charleston, West Virginia 25311 • 304.558.7000 • 304.558.7001/fax • 1.888.558.7002/toll free

www.hcawv.org

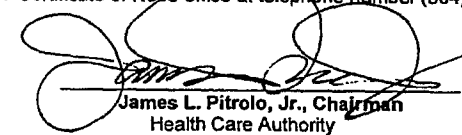
Notice of Review
Page 2
December 1, 2010

If no public hearing is requested, the file closing date will be **January 11, 2011**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications, and no further contact with the Authority regarding the substance of the applications will be permitted.

The decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the applications, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decisions will be issued on or before **February 14, 2011**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the decisions should submit a written request to Timothy E. Adkins, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

12-01-10
Date


James L. Pitrolo, Jr., Chairman
Health Care Authority

OTHER

DISTRIBUTION

Melissa K. Lockwood, President & CEO
Preston Memorial Hospital

Raymona A. Kinneberg, Consultant
Bill J. Crouch & Associates, Inc.

Brent A. Marsteller, President & CEO
Cabell Huntington Hospital

The Honorable Natalie Tennant
Secretary of State

Dennis Garrison, Director, Consumer Advocacy Division
West Virginia Insurance Commission

James L. Pitrolo, Jr., Chairman
Health Care Authority

CON Analysts

JLP\TEA\KMjc

print/printout of redacted document 1, 2010

Agency:
West Virginia Offices of the Insurance Commissioner

Action:
Request for Comment

Subject:
Health Insurance Exchange Planning and Development

Dates:
November 29, 2010 – January 21, 2011

To Comment:
Comments must be received by January 21, 2011 and should be sent to:
Jeremiah Samples
Offices of the Insurance Commissioner
1124 Smith St.
Charleston, WV 25301

Comments may also be sent electronically to:
Jeremiah.Samples@wvinsurance.gov

Summary:
This notice is a request for comment regarding West Virginia's planning and development of the health insurance exchange. The West Virginia Offices of the Insurance Commissioner (OIC) was designated by former Governor Joe Manchin III to research and plan for West Virginia's health insurance exchange. A framework for the health insurance exchange has been laid out in provisions of the Patient Protection and Affordable Care Act (ACA), enacted on March 23, 2010. The United States Department of Health and Human Services (HHS) issued a national request for comment, which took place from August 3, 2010 through October 4, 2010.

Solicitation of Comments:
The OIC is inviting public comment to aid in the development of standards for establishment and operation of the Exchanges, to address other Exchange-related provisions in Title I of the Affordable Care Act, and to inform the development of community of interest groups on specific exchange related policies. The OIC is committed to making exchange planning and development a transparent and inclusive process. The OIC is interested in comments from all interested parties. To ease the analysis of the comments received, please indicate the questions to which you are responding or the subject matter that you are addressing.

Recommended Comment Focus:
Following are some specific areas where the OIC is particularly interested in getting stakeholder input:

Exchange Goals:

- A mission statement outlines the fundamental purpose of an entity. What mission statement would you recommend for the West Virginia health insurance exchange?
- A vision statement outlines the desired future state in terms of an entity's fundamental objectives. What vision statement would you recommend for the West Virginia health insurance exchange?

OTHER

- What policy goals should West Virginia's health insurance exchange work to fulfill? What realistic objectives should West Virginia's health insurance exchange work to fulfill?

Structure and Governance:

- After careful review of the exchange governance options, for the following reasons, the OIC recommends governance of the WV exchange should be attached to the OIC. It is fundamentally important that the exchange operate in a fiscally efficient manner so as to not drive up consumer premiums through exchange fees. The OIC and its staff have years of experience in the central subject matter of the exchange, including existing infrastructure which could provide crucial regulatory and administrative support to the exchange. This existing infrastructure includes, but is not limited to: Rates and Forms; Consumer Services; Agent Licensing; Financial Conditions and Market Conduct.

The importance is also recognized of creating a clear distinction between the OIC's primary role as insurance regulator and the exchange's more narrow policy role. To achieve this end, the exchange should be given a high degree of autonomy through an exchange governing board. This governance structure would ensure administrative efficiency by availing the resources of the OIC to the exchange, but also ensure that no conflict of interest arises between the OIC's regulatory functions and the exchange's policy objectives.

Given this brief outline of the OIC's exchange governance proposal, what issues should be further addressed?

- Regarding the Exchange Board, what skills sets, experience, expertise, or constituency should be represented on the board?
- What factors should the West Virginia exchange consider in approaching the regional exchange or state to state administrative agreements?

Exchange Planning Process:

- What metrics of data are important for the state to collect in order to be able to make sound policy decisions on various exchange policies?
- What policy considerations are most important for the exchange to be successful and how should these policy areas be researched?
- *What kinds of guidance or information would be helpful to stakeholders (plans employers, consumers, and other groups or sectors) as they provide input into the exchange planning process?*
- *What exchange terms or provisions require additional clarification?*

Functions:

- Under the ACA, an Exchange is responsible for performing a specified list of functions. How should these functions operate? Beyond these functions specifically listed, are there additional functions that should be considered for an Exchange? (See ACA sections 1311, 1411, and 2201)
- The ACA requires an Exchange to establish a "Navigator" program to conduct outreach for and assist individuals and employers with enrollment. Should navigators be licensed? How should navigators be compensated in relation to producers? What issues should be considered in establishing a "Navigator" program? (See PPACA section 1311)
- What specific planning steps should the Exchanges undertake to ensure that they are accessible and available to individuals from diverse cultural origins and those with low literacy, disabilities, and limited English proficiency?

- What should the role of the producer be in the exchange? What factors should drive compensation for a producer? From what source should the producer be compensated (carrier, Exchange, consumer)?
- Should a portal be developed for third party case management of consumer insurance purchase in the exchange? What should be considered in the development of this tool?

Enrollment and Eligibility:

- Under the ACA, individuals and small employers are eligible to participate in an Exchange in 2014. Small employer may be defined as 50 or less or 100 or less employees. Should the definition of small employer be 50 or 100 employees for initial Exchange participation in 2014? (See ACA section 1304 and 1312)
- The ACA allows states to open Exchange eligibility to large employers starting in 2017. Should large employers (greater than 100 employees) be allowed to participate in an Exchange? Should there be an upper limit on large group participation in an Exchange (i.e. 200, 500, etc. employees)? (See ACA section 1312)
- Should there be participation requirements for employer groups in an Exchange (i.e. minimum share of employees participating, minimum employer contribution, limits in the range of product benefit values that may be selected by employees)?
- What are the advantages and issues associated with various options for setting the duration of the open enrollment period for Exchanges for the first year and subsequent years? What factors are important for developing criteria for special enrollment periods?
- What are some of the key considerations associated with conducting online enrollment?
- How can eligibility and enrollment be effectively coordinated between Medicaid, CHIP, and Exchanges? What steps can be taken to ease consumer navigation between the programs and ease administrative burden?

Health Plan Participation:

- Should all health plans be required to participate in an Exchange and comply with the requirements or should health plans compete or bid to participate in an Exchange?
- Should the number of benefit plans offered in an Exchange be limited or unlimited?
- Should benefit structure variability within the actuarial value levels for benefit plans offered in an Exchange be limited or unlimited? (See PPACA section 1302)
- Should Health Plans be permitted to sell coverage out of the exchange?
- What factors should the Exchange consider in reviewing justifications for premium increases from insurers seeking certification as QHPs?
- What factors are most important for consideration in establishing standards for a plan rating system?
- How best can Exchanges help consumers understand the quality and cost implications of their plan choices?

Market Rules:

- The ACA requires health plans participating in an Exchange to comply with certain requirements in areas such as marketing and network adequacy. Should the same rules exist for plans sold inside and outside an Exchange? (See PPACA section 1311)

Risk Sharing:

- The ACA establishes a reinsurance program in states for individual market plans sold inside and outside an Exchange between 2014 and 2016. The program is to be

OTHER



STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHY
405 Capitol Street, Suite 402
Charleston, WV 25301

Phone: 304-558-6095
Fax: 304-558-6096

funded by fully-insured and self-insured plans. What issues should be considered in establishing the temporary reinsurance program? (See PPACA section 1341)

- The risk adjustment tool requires access to claims information. Discussions are currently underway concerning the development of an all payer claims database. What issues should be considered in establishing an all payer claims database?
- Under the ACA, states may merge their individual and small employer markets for rating and risk sharing. What issues should be considered regarding this option? (see PPACA section 1312)

Outreach:

- What kinds of consumer enrollment, outreach, and educational activities should West Virginia conduct relating to Exchanges, insurance market reforms, premium tax credits and cost-sharing reductions, available plan choices, etc?
- What outreach strategies are likely to be most successful in enrolling individuals who are eligible for tax credits and cost-sharing reductions? How can these outreach efforts be coordinated with efforts for other public programs?

Financing:

- An Exchange must be self sustaining financially by January 1, 2015. What funding sources should be considered? How should financial sustainability be accomplished under the exchange? (See ACA section 1311)

Other:

- Based on your current knowledge of a health insurance exchange and its intended purposes, do you have any suggestions on what West Virginia's health insurance exchange should be called (e.g., Mountaineer Exchange, West Virginia Connect, etc)?
- Any other comments or ideas related to implementation of an Exchange?

November 15, 2010

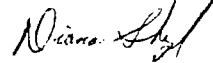
The Honorable Natalie Tennant
Secretary of State
1900 Kanawha Boulevard East
Building 1 - Room K-157
Charleston, WV 25305-0770

Dear Madame Secretary:

Enclosed is a copy of our 2010 Annual Report.

Should you have any questions or need additional copies, please feel free to contact me.

Sincerely,


Diana Shepard
Executive Director

2010 NOV 23 AM 10:03
STATE OF WEST VIRGINIA
SECRETARY OF STATE



STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Craig A. Griffith
State Tax Commissioner

2010 NOV 23 PM 4:32

WEST VIRGINIA TAX DEPARTMENT

Administrative Notice 2010-31

SUBJECT -- AVERAGE WHOLESALE PRICE OF MOTOR FUEL: Notice of Determination of Average Wholesale Price of Motor Fuel for the period of January 1, 2011 to December 31, 2011 for purposes of the West Virginia Motor Fuel Excise Tax.

Section 11-14C of the West Virginia Motor Fuel Excise Tax Act imposes a motor fuel tax of five percent (5%) on the average wholesale price of motor fuel. That average wholesale price is required by statute to be determined periodically by the Tax Commissioner. The 5% component is one of two tax rate components comprising the Motor Fuel Excise Tax, and is known as the so called "variable component."

Public notice of the average wholesale price of motor fuel, as determined by the West Virginia Tax Department, must be issued by the Tax Commissioner at least thirty days in advance of the first day of January, each year, by filing notice of the average wholesale price in the State Register published by the Secretary of State, and by any other means the Tax Commissioner considers reasonable. See W. Va. Code § 11-14C-5(b)(1).

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code, that the average wholesale price of motor fuel for the period beginning January 1, 2011 and ending December 31, 2011, inclusive, shall be \$ 2.34 per gallon for purposes of the West Virginia Motor Fuel Excise Tax variable component computation.

During the period beginning January 1, 2011 and ending December 31, 2011, inclusive, the West Virginia Motor Fuel Excise Tax variable component computed on a per gallon basis shall be \$0.117 per gallon ($\$2.34 \times 5\% = \0.117).

This average wholesale price per gallon (\$2.34) and the variable component tax computed thereon (\$0.117 per gallon) shall apply to all gallons of motor fuel sold, purchased or used in this State during the period beginning January 1, 2011 and ending December 31, 2011, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than \$2.34 per gallon.

Craig A. Griffith
Tax Commissioner

Issued: November 23, 2010

TAX COMMISSIONER'S OFFICE
1001 LEE STREET, EAST, P. O. BOX 11771, CHARLESTON, WV 25339-771
TELEPHONE (304) 558-0751
FAX (304) 558-8999

OTHER



STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Craig A. Griffith
State Tax Commissioner

2010 DEC 17

ADMINISTRATIVE NOTICE 2010-32

SUBJECT: ECONOMIC OPPORTUNITY TAX CREDIT – Credit available for taxpayers who do not satisfy the new jobs percentage requirement.

W. Va. Code § 11-13Q-22 allows any tax payer;

engaged in one or more of the industries or business activities specified in section nineteen [§11-13Q-19] of this article which does not satisfy the new jobs percentage requirement prescribed in subsection (c), section nine of this article [§11-13Q-9] or, if the taxpayer is a small business as defined in section ten of this article [§11-13Q-10], who are unable to create at least ten new jobs within twelve months after placing qualified investment into service as required by section ten of this article [§11-13Q-10], but which otherwise fulfills the requirements prescribed in this article, is permitted to claim a credit against the taxes specified in section seven of this article [§11-13Q-7] in the order so specified that are attributable to and the consequence of the taxpayer's business operations in this state which result in the creation of net new jobs. Credit allowed under this section shall be allowed beginning in the tax year when the new employee is first hired: Provided, That each new job:

- 1) Pays at least \$32,000 annually;
- 2) Provides health insurance and may offer benefits including child care, retirement or other benefits; and
- 3) Is a full-time, permanent position, as those terms are defined in section three of this article.

The minimum annual pay of the new job is subject to annual adjustment for inflation. This adjustment is determined by the Tax Commissioner using the methodology described in subsection 11-13Q-22(b)(1) through (4). The 2011 inflation adjustment factor is based on the percentage by which the Consumer Price Index (CPI) for calendar year 2010 exceeds the CPI for calendar year 2009. For this purpose, the CPI for any calendar year is the average of the Federal Consumer Price Index for the twelve-month period ending on August 31st of such calendar year. W. Va. Code § 11-13Q-22(b)(2). The CPI for 2010 is 217.163 and the CPI for 2009 is 214.002. Based on these figures, the inflation adjustment factor, for purposes of W. Va. Code § 11-13Q-22, for tax years beginning in calendar year 2010, is 1.0147708900.

Accordingly, for tax years beginning during calendar year 2011;

LEGAL DIVISION, P.O. BOX 1005, CHARLESTON, WV 25324-005
TELEPHONE (304) 558-5330
FAX (304) 558-8728

OTHER

Administrative Notice 2010-32 Page 2

"That each new job:


- 1) Pays at least \$32,450 annually;
- 2) Provides health insurance and may offer benefits including child care, retirement or other benefits; and
- 3) Is a full-time, permanent position, as those terms are defined in section three of this article."

A summary of the applicable inflation-adjusted Economic Opportunity Tax credit criteria, by calendar year, for tax years beginning in such years, follows;

Constraints Year	Minimum Compensation
2009	\$32,000
2010	\$32,000
2011	\$32,450

Notice of this determination will be filed in the West Virginia Register.

Issued: November 24, 2010


Craig A. Griffith
State Tax Commissioner

State Tax Department
Compliance and Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784

Operator on duty 8:30 am – 5:00 p.m.
Monday through Friday
Phone: (304) 558-3333 or 1-800-982-8297
Fax: (304) 558-3269
TDD Service/Hearing Impaired 1-800-282-9822

THE FOLLOWING ARE PUBLICATION DATES OF THE STATE REGISTER FOR 2010

**DATES ARE THE DATES ALL FILINGS ARE TO BE RECEIVED IN THE
SECRETARY OF STATE'S OFFICE IN ORDER FOR THE MATERIAL TO APPEAR IN
THE STATE REGISTER PUBLISHED ON THE DATE LISTED.**

<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>	<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>
January 6, 2010	January 5, 2010	January 13, 2010	July 7, 2010	July 9, 2010	July 14, 2010
January 13, 2010	January 15, 2010	January 20, 2010	July 14, 2010	July 16, 2010	July 21, 2010
January 20, 2010	January 22, 2010	January 27, 2010	July 21, 2010	July 23, 2010	July 28, 2010
January 27, 2010	January 29, 2010	February 3, 2010	July 28, 2010	July 30, 2010	August 4, 2010
February 3, 2010	February 5, 2010	February 10, 2010	August 4, 2010	August 6, 2010	August 11, 2010
February 10, 2010	February 12, 2010	February 17, 2010	August 11, 2010	August 13, 2010	August 18, 2010
February 17, 2010	February 19, 2010	February 24, 2010	August 18, 2010	August 20, 2010	August 25, 2010
February 24, 2010	February 26, 2010	March 3, 2010	August 25, 2010	August 27, 2010	September 1, 2010
March 3, 2010	March 5, 2010	March 10, 2010	September 1, 2010	September 3, 2010	September 8, 2010
March 10, 2010	March 12, 2010	March 17, 2010	September 8, 2010	September 10, 2010	September 15, 2010
March 17, 2010	March 19, 2010	March 24, 2010	September 15, 2010	September 17, 2010	September 22, 2010
March 24, 2010	March 26, 2010	March 31, 2010	September 22, 2010	September 24, 2010	September 29, 2010
March 31, 2010	April 2, 2010	April 7, 2010	September 29, 2010	October 1, 2010	October 6, 2010
April 7, 2010	April 9, 2010	April 14, 2010	October 6, 2010	October 8, 2010	October 13, 2010
April 14, 2010	April 16, 2010	April 21, 2010	October 13, 2010	October 15, 2010	October 20, 2010
April 21, 2010	April 23, 2010	April 28, 2010	October 20, 2010	October 22, 2010	October 27, 2010
April 28, 2010	April 30, 2010	May 5, 2010	October 27, 2010	October 29, 2010	November 3, 2010
May 5, 2010	May 7, 2010	May 12, 2010	November 3, 2010	November 5, 2010	November 10, 2010
May 12, 2010	May 14, 2010	May 19, 2010	November 9, 2010	November 12, 2010	November 17, 2010
May 19, 2010	May 21, 2010	May 26, 2010	November 17, 2010	November 19, 2010	November 24, 2010
May 26, 2010	May 28, 2010	June 2, 2010	November 22, 2010	November 24, 2010	November 29, 2010
June 2, 2010	June 4, 2010	June 9, 2010	December 1, 2010	December 3, 2010	December 8, 2010
June 9, 2010	June 11, 2010	June 16, 2010	December 8, 2010	December 10, 2010	December 15, 2010
June 16, 2010	June 18, 2010	June 23, 2010	December 15, 2010	December 17, 2010	December 22, 2010
June 23, 2010	June 25, 2010	June 30, 2010	December 21, 2010	December 23, 2010	December 28, 2010
June 30, 2010	July 2, 2010	July 7, 2010	December 28, 2010	December 30, 2010	January 4, 2010